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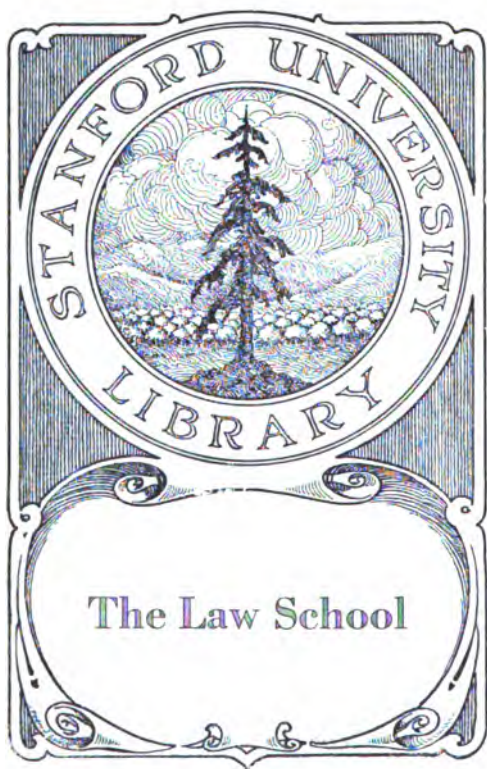
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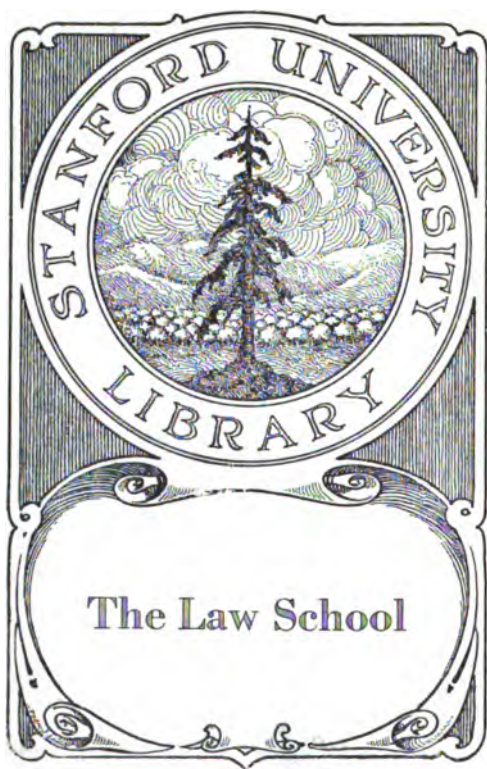
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New York Collection



New York Collec

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

EIGHTY-SIXTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SIXTH, AND ENDED APRIL TWENTY-FIFTH, 1863, IN THE
CITY OF ALBANY.



ALBANY:

WEED, PARSONS AND COMPANY, PRINTERS.

1863.

CERTIFICATE.

STATE OF NEW YORK, }
SECRETARY'S OFFICE, }

Albany, May 18, 1863.

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12, 1843, I hereby certify that the following volume of the Laws of this State, was printed under my direction.

HORATIO BALLARD,

Secretary of State.

In this volume, "every act which received the assent of three-fifths of all the Members elected to either House of the Legislature," pursuant to Section 14, of Article 7, of the Constitution of this State, is designated under its title by the words "Three-fifths being present." [See Laws of 1847, Vol. 1, Chap. 253.]

And every "act which received the assent of two-thirds of all the Members elected to each branch of the Legislature," pursuant to Section 9, of Article 1, of the Constitution, is designated under its title by the words "By a two-third vote." [See Laws of 1842, Chap. 306.]

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AUG 2 1879

LIST OF OFFICERS.

"§ 4. There shall be prefixed to each volume of the Session Laws, hereafter published, the names and residence of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office at the time of the passage of the Laws contained in such volumes." — *Laws of 1847, Chap. 458, Sec. 4.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF BOTH HOUSES IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NEAREST POST OFFICE.
Horatio Seymour,.....	Governor, ...	Albany,.....	Albany.
David R. Floyd Jones,	Lieut.-Gov., ..	Suffolk,.....	Amityville.
Monroe Henderson,	Senator,.....	Queens,.....	Jamaica.
Jesse C. Smith,	do	Kings,.....	Brooklyn.
Henry C. Murphy,	do	Kings,.....	Brooklyn.
Christian B. Woodruff,	do	New York, ...	New York.
Charles G. Cornell,	do	New York, ...	New York.
John J. Bradley,	do	New York, ...	New York.
Richard B. Connolly,	do	New York, ...	New York.
Hazekiah D. Robertson,	do	Westchester, .	Bedford.
Henry R. Low,	do	Sullivan,.....	Monticello.
Jacob S. Freer,	do	Ulster,	Ellenville.
William H. Tobey,	do	Columbia,	Kinderhook.
Ralph Richards,	do	Washington, .	Hampton.
John V. L. Pruyn,	do	Albany,.....	Albany.
Joseph H. Ramsey,	do	Schoharie, ...	Lawyersville.
William Clark,	do	Montgomery, .	Fort Plain.
Russell M. Little,	do	Warren,	Glens Falls.
Charles C. Montgomery,.....	do	St. Lawrence, .	Waddington.
James A. Bell,	do	Jefferson,	Dexter.
Alexander H. Bailey,	do	Oneida,	Rome.
George A. Hardin,	do	Herkimer,.....	Little Falls.
Richard K. Sanford,	do	Oswego,	Fulton.
Allen Munroe,	do	Onondaga, ...	Syracuse.
Henry A. Clark,	do	Chenango, ...	Bainbridge.
Lyman Truman,	do	Tioga,	Owego.
Chauncey M. Abbott,	do	Cayuga,	Niles.
Charles J. Folger,	do	Ontario,.....	Geneva.
Charles Cook,	do	Schuyler,	Havana.
Lysander Farrar,	do	Monroe,.....	Rochester.

LIST OF OFFICERS.

NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NAREST POST OFFICE.
Almanzor Hutchinson,	Senator,	Orleans,	Gaines.
Wilkes Angel,	do	Allegany,	Angelica.
John Ganson,	do	Erie,	Buffalo.
Horace C. Young,	do	Cattaraugus, ..	New Albion.
George Adgate,	Assemblyman,	Clinton,	Keeseville, Essex co.
Andrew L. Allen,	do	Cattaraugus, ..	Machias.
Newton Aldrich,	do	Warren,	Luzerne.
Albert Andrus,	do	Franklin,	Malone.
Horace Bemis,	do	Steuben,	Hornellsville.
Charles A. Benjamin,	do	Jefferson,	Smithville.
Jesse F. Bookstaver,	do	Ulster,	Saugerties.
Henry C. Boswell,	do	Kings,	Brooklyn.
Elias W. Bostwick,	do	Columbia,	Red Rock.
William H. Brand,	do	Madison,	Leonardsville.
Joseph Breed,	do	Onondaga, ...	Syracuse.
Ira Brackett,	do	Saratoga, ...	Galway.
William Brown,	do	Monroe,	Spencerport.
William Brooks,	do	Otsego,	Cooperstown.
Theophilus C. Callicot,	do	Kings,	Brooklyn.
John Chickering,	do	Lewis,	Copenhagen.
Cornelius A. Church,	do	Otsego,	Morris.
Elizur Clark,	do	Onondaga, ...	Salina.
Thaddeus W. Collins,	do	Wayne,	Wolcott.
Anson G. Conger,	do	Erie,	Collins' Centre.
Ezra Cornell,	do	Tompkins, ...	Ithaca.
Robert W. Courtney,	do	Delaware,	Unadilla, Otsego co.
Alvah E. Cruttenden,	do	Allegany,	Canaseraga.
John Cutler,	do	Albany,	Albany.
James Darcy,	do	Kings,	Brooklyn.
Nathaniel W. Davis,	do	Tioga,	Owego.
Gilbert Dean,	do	New York, ...	New York.
Chauncey M. Depew,	do	Westchester, .	Peekskill.
Lanson Dewey,	do	Ontario,	Victor.
William Dewey,	do	Jefferson, ...	Three Mile Bay.
Albert G. Dow,	do	Cattaraugus, ..	Randolph.
Joseph C. Doughty,	do	Dutchess,	Poughkeepsie.
Lemuel Durfee,	do	Wayne,	Palmyra.
Charles T. Duryea,	do	Queens,	Syosset.
Luther S. Dutcher,	do	Dutchess,	South Dover.
Perez H. Field,	do	Ontario,	Geneva.
Thomas C. Fields,	do	New York, ...	New York.
Francois B. Fisher,	do	Chenango, ...	Greene.
Benjamin H. Fletcher,	do	Niagara,	Lockport.
Cornelius Flynn,	do	New York, ...	New York.
David V. Freeman,	do	New York, ...	New York.
Theodore Frean,	do	Richmond, ...	Stapleton.
Francis R. Gilbert,	do	Delaware, ...	Stamford.
William Gillespie,	do	Sullivan,	Mongaup Valley.
William C. Gover,	do	New York, ...	New York.
Loren Green,	do	Genesee,	Byron Centre.
James S. Haring,	do	Rockland,	Orangeburgh.
John S. Havens,	do	Suffolk,	Patchogue.

LIST OF OFFICERS.

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NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NEAREST POST OFFICE.
Palmer R. Havens,	Assemblyman,	Essex,	Essex.
Willard J. Heacock,	do	Fult'n & Ham.,	Gloversville.
Byron Healy,	do	Wyoming, ...	Warsaw.
Thomas H. Hill,	do	New York, ...	New York.
Timothy A. Hopkins,	do	Erie,	Williamsville.
Ervin Hopkins, Jr.,	do	Washington, .	Granville.
Nathaniel M. Houghton,	do	Saratoga,	Corinth.
Bernard Hughes,	do	Kings,	Brooklyn.
Charles Hulett,	do	Chemung, ...	Horseheads.
Robert C. Hutchings,	do	New York, ...	New York.
Samuel B. Johnson,	do	Kings,	Brooklyn.
Vincent C. King,	do	New York, ...	New York.
Peter G. Kisselbrack,	do	Columbia, ...	Copake Iron Works.
Julius Korn,	do	New York, ...	New York.
Henry C. Lake,	do	Chautauqua, ..	Charlotte Centre.
Samuel Lawrence,	do	Schuylcr,	Havana.
Daniel Leamy,	do	New York, ...	New York.
Thomas A. Ledwith,	do	New York, ...	New York.
Jacob Le Fever,	do	Ulster,	New Paltz.
Charles P. Leslie,	do	Kings,	Brooklyn.
Hiram W. Loomis,	do	Oswego,	Vermilion.
Henry S. Lott,	do	Queens,	Jamaica.
George L. Loutrel,	do	New York, ...	New York.
Edward D. Loveridge,	do	Allegany,	Cuba.
Michael McCann,	do	New York, ...	New York.
Isaac McDougall,	do	Oneida,	Delta.
George E. McGonegal,	do	Monroe,	Rochester.
Archibald C. McGowan,	do	Herkimer,	Frankfort.
James McKeon,	do	Rensselaer, ...	Troy.
James McLean,	do	Seneca,	Waterloo.
John McShea, Jr.,	do	Schenectady, ..	Niskayuna.
John E. Marshall,	do	Westchester, ..	Portchester.
Abner C. Mattoon,	do	Oswego,	Oswego.
Stephen L. Mayham,	do	Schoharie, ...	North Blenheim.
Levi Miller,	do	Jefferson,	Antwerp.
William Morgan,	do	Niagara,	Somerset.
Freeman P. Moulton,	do	Montgomery, ..	Flat Creek.
James M. Munro,	do	Onondaga, ...	Camillus.
John W. Murphy,	do	Erie,	Buffalo.
Daniel M. O'Brien,	do	New York, ...	New York.
William L. Oswald,	do	Albany,	West Troy.
Harvey Palmer,	do	Oswego,	Parish.
John Parks,	do	Orleans,	Medina.
Abraham X. Parker,	do	St. Lawrence, ..	Potsdam.
John Paulding,	do	Kings,	New Utrecht.
George I. Post,	do	Cayuga,	Fair Haven.
Daniel M. Prescott,	do	Oneida,	Washington Mills.
Elizur H. Prindle,	do	Chenango, ...	Norwich.
John A. Quackenbush,	do	Rensselaer, ...	Schaghticoke.
James Redington,	do	St. Lawrence, ..	Waddington.
William P. Robinson,	do	Cayuga,	Auburn.
Luke Roe,	do	Greene,	Cairo.

LIST OF OFFICERS.

NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NEAREST POST OFFICE.
Henry Rogers,	Assemblyman,	New York, ...	New York.
George L. Rouse,	do	Madison,	Cazenovia.
Horatio Seymour,	do	Erie,	Buffalo.
Guy Shaw,	do	Yates,	Penn Yan.
Asa S. Sherman,	do	Oneida,	Durhamville.
Henry Sherwood,	do	Steuben,	Addison.
Samuel Skinner,	do	Livingston, ...	Nunda.
Andrew Smith,	do	New York, ...	New York.
Hamilton E. Smith,	do	Livingston, ...	Fowlerville.
Francis B. Smith,	do	Broome,	Union.
Saxton Smith,	do	Putnam,	Red Mills.
William J. Snyder,	do	Albany,	Bethlehem Centre.
Ebenezer S. Strait,	do	Rensselaer, ...	Nassau.
John Steward,	do	Chautauqua, .	Panama.
Griffin Sweet,	do	Herkimer, ...	Fairfield.
John W. Taggart,	do	Steuben,	Hammondsport.
Pierre C. Taiman,	do	Westchester, .	Morrisania.
Asa C. Tefft,	do	Washington, .	Fort Miller.
Elias P. Townsley,	do	St. Lawrence, .	De Kalb.
Eliphas Trimmer, .	do	Monroe,	Rochester.
John D. Van Buren,	do	Orange,	New Windsor.
Henry B. Van Hoesen,	do	Cortland,	Preble.
Henry L. Wait,	do	Albany,	Albany.
Alexander Ward,	do	New York, ...	New York.
Abram B. Weaver,	do	Oneida,	Deerfield.
Ebenezer Westbrook,	do	Ulster,	Accord.
Benjamin Wiggins,	do	Suffolk,	Greenport.
Charles S. Woodward,	do	Orange,	Mount Hope.

PRESIDING OFFICERS AND CLERKS.

NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NEAREST POST OFFICE.
David R. Floyd Jones,	President of the Senate, .	Suffolk,	Amityville.
Theophilus C. Callicot,	Speaker of the Assembly, ..	Kings,	Brooklyn.
James Terwilliger,	Clerk of the Senate,	Onondaga, ...	Syracuse.
Joseph B. Cushman,	Clerk of the Assembly, ..	Oneida,	Utica.

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE

EIGHTY-SIXTH REGULAR SESSION OF THE LEGISLATURE, BEGUN
THE SIXTH DAY OF JANUARY, AND ENDED THE TWENTY-
FIFTH DAY OF APRIL, 1863, AT THE
CITY OF ALBANY.

Chap. 1.

AN ACT to provide for the payment of certain persons for services performed while acting as officers of the Assembly.

Passed January 30, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The treasurer shall pay on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the several sums, for the purposes, and to the persons respectively herein specified :

To Richard E. Winsor, Norman B. Sprague, Thomas Miller, Squire Rightmire, Edwin A. Loder, Simeon Holton, Samuel Rice, and Abner V. V. Dodge, as acting assistant doorkeepers ; and to Gurdon B. Taylor, acting librarian ; to William Cary, postmaster, and to Henry A. Rogers, acting janitor, each three dollars per day for services actually rendered, to be certified by the speaker, on the affidavit of the person rendering such service, and mileage to each of the afore-mentioned

officers the same as is allowed to members of the Legislature; and to James Bain, as postmaster's messenger, two dollars per day; and to the several pages, who rendered service as such, and who have not been, or shall not be appointed as such, by the speaker during the present session, to be certified as above, the sum of one dollar and fifty cents for each day's service actually rendered; time and amount to be actually certified by the speaker, on the affidavit of the said messenger.

§ 2. This act shall take effect immediately.

Chap. 2.

AN ACT to authorize the trustees of "The Orville Presbyterian Society," in the town of De Witt, to dispose of their property.

Passed February 13, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: -

SECTION 1. Henry P. Bogardus, Mason P. Kinne, and Henry Shoudy, the present trustees of the "Orville Presbyterian Society," in the town of De Witt, or a majority of them, or a majority of their successors in office, are hereby authorized and empowered to grant and convey their meeting house, premises and appurtenances, including their bell, to "The Methodist Episcopal Young Society," in the same town, in consideration of the moneys expended and to be expended by the last named society, for the repairs of said house and premises, and the said The Methodist Episcopal Young Society are hereby authorized to take and hold the said meeting house, premises and appurtenances, including their bell.

§ 2. This act shall take effect immediately.

Chap. 3.

AN ACT to authorize the trustees of "The Methodist Episcopal Young Society," in the town of De Witt, to sell their real estate, and to legalize and confirm the acts of said Society, and the election of their trustees, and to provide for their classification and term of office.

Passed February 13, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The election of Elbridge Kinne, Charles T. Miller, Adam Carncross, William Babcock and De Witt C. Peck, as trustees of "The Methodist Episcopal Young Society," in the town of De Witt, is hereby confirmed, and it shall be lawful for them or a majority of them to meet and divide themselves by lot into three classes, as follows: class number one, to consist of two trustees, whose term of office shall expire on the first Monday of April next; class number two, to consist of two trustees, whose term of office shall expire one year thereafter; and class number three, to consist of the remaining trustee, whose term of office shall expire at the end of the following year.

Term of trustees.

§ 2. When such classification shall be made, said society shall have the same corporate rights and property, and said trustees shall have the same powers and perform the same duties as if they had been originally legally elected and classified, and as if all the elections and classifications of trustees of said society had been legally held and made, and as if no errors had been committed in their corporate proceedings; and elections of trustees to fill vacancies may be had hereafter at the times and in the manner provided for by law.

Corporate rights, and powers of trustees.

§ 3. The trustees for the time being, or a majority of them may at any time after they shall have acquired title to the Presbyterian church and premises in the village of De Witt, on giving reasonable notice, sell at public auction or private sale and grant and convey the meeting house premises now owned by them on such terms

Trustees may sell real estate.

as they shall see fit, and apply the proceeds to the use of said society.

§ 4. This act shall take effect immediately.

Chap. 4.

AN ACT to amend the act entitled "An act to amend the several acts incorporating the village of Owego, in the county of Tioga," passed April ninth, eighteen hundred and fifty-one.

Passed February 14, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty four of the act to amend the several acts incorporating the village of Owego, in the county of Tioga, passed April ninth, eighteen hundred and fifty-one, is hereby amended by striking out the word "one" that immediately precedes the word "thousand," in line four of said section, and substituting in its place the word "two."

§ 2. Section forty-one of the act aforesaid is hereby amended by striking out the word "one" that immediately precedes the word "thousand," in the fourth line of said section, and in the place thereof insert the word "two."

And also by striking out the word "fifteen" where it occurs in said section before the word "hundred," and in place thereof insert the word "twenty-five."

§ 3. For the purposes mentioned in section thirty-three of the act hereby amended, the trustees are authorized, at a regular meeting thereof, to raise by tax upon the taxable property within the corporate limits of the village of Owego, for the year one thousand eight hundred and sixty-three, in addition to the sum authorized to be raised at the last annual election in said village to elect offices therefor and for other purposes, a sum not exceeding one thousand dollars, and that the sum so ordered to be raised by the trustees aforesaid mentioned in this section be included in the warrant that shall be issued by the assessors to collect the amount authorized to be

Trustees
may raise
tax.

raised at the annual meeting aforesaid, and in addition thereto.

§ 4. This act shall take effect immediately.

Chap. 5.

AN ACT to amend an act entitled "An act to consolidate and amend the several acts relating to the village of Cazenovia, to alter the bounds, and to enlarge the powers of the corporation of said village," passed April fourth, eighteen hundred and fifty-nine.

Passed February 14, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sixteenth section of chapter one hundred and sixteen of the Laws of eighteen hundred and fifty-nine, is hereby amended by striking out of said section all after the word "after," and by inserting in lieu thereof the words "being directed by the trustees."

§ 2. The eighteenth section of said act is hereby amended by striking out of said section the word "fifteen," and by inserting in lieu thereof the word "sixteen."

§ 3. This act shall take effect immediately.

Chap. 6.

AN ACT to amend an act to incorporate the village of Clifton Springs.

Passed February 14, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-eighth section of the act to incorporate the village of Clifton Springs, passed April eighth, eighteen hundred and fifty-nine, is hereby amended by adding thereto the following words: "and all the provisions of chapter two hundred and nine of

the Laws of eighteen hundred and forty-seven, entitled 'An act in relation to cemeteries in incorporated villages,' shall be applicable thereto."

§ 2. This act shall take effect immediately.

Chap. 7.

AN ACT to change the place of business of the
Starr Arms Company.

Passed February 14, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The principal place of business of the Starr Arms Company, a corporation created under and by virtue of the laws of this State, and the place at which its operations shall be carried on shall be in the village of Yonkers, in the county of Westchester, instead of the town of Morrisania, as provided by the certificate filed upon the incorporation of said company.

Chap. 8.

AN ACT to amend an act entitled "An act revising, amending and consolidating the several acts in relation to the village of Fort Plain," passed April seven, eighteen hundred and fifty-five, and to extend the powers of the corporation of said village.

Passed February 14, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The corporation of the village of Fort Plain, by their trustees and officers, shall have power to construct a stone sidewalk, of such quality and proportion as they in their discretion may think proper, on the southeasterly side of Bridge street in said village, beginning at Willet street and from thence towards the Mohawk river to a point at or near the bridge crossing said stream, and

keep the same in repair, and shall have power to cause the cost and incidental expenses thereof to be levied and collected by a tax on all the taxable inhabitants of said village and non-residents owning property therein.

§ 2. This act shall take effect immediately.

Chap. 9.

AN ACT to amend "An act to incorporate the village of Bainbridge, in the county of Chenango," passed April twenty-first, eighteen hundred and twenty-nine.

Passed February 14, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act entitled " An act to incorporate the village of Bainbridge, in the county of Chenango," passed April twenty-first, eighteen hundred and twenty-nine, is hereby amended so as to read as follows :

The district of country within the town of Bainbridge, in the county of Chenango, contained within the following bounds, that is to say : Beginning in the centre of the highway on the west side of the Susquehanna river three-fourths of a mile northeast from the south corner of Lock's hotel ; thence running northwesterly at a right angle with said highway three-fourths of a mile ; thence southwesterly at a right angle one and one-fourth of a mile ; thence southeasterly at a right angle one and one-fourth of a mile ; thence northeasterly at a right angle one and one-fourth of a mile ; thence at a right angle to the place of beginning, shall hereafter continue to be known and distinguished by the name of the village of Bainbridge, and the free holders and inhabitants residing within the same, qualified to vote at town meetings, may meet on the first Tuesday of May in each and every year, at such place in said village as shall be designated at the annual meeting, or if no place be designated, then at the place where the last annual meeting was held, elect officers and transact all the business that can be done by virtue of said act. The trustees or a majority of them, shall preside at such meet-

Corporate limits.

Annual meetings.

ings, and shall have power to call any subsequent meeting of said electors, by a notice in writing, posted in three public places, at least six days before such meeting.

§ 2. The sixteenth section of said act is hereby amended so as to read as follows:

Road district, and regulations, relative thereto.

The said village shall be and the same is hereby constituted a road district, subjected to be subdivided by the said trustees, and the same shall be exempt from the superintendence of the commissioners of highways of the town of Bainbridge. Said trustees, or a majority shall have power to lay out and open streets in said village, of the width they may deem advisable, and for that purpose shall have all the powers and shall discharge all the duties of commissioners of highways, in respect to all streets of said village, subject to like appeals, and when any street shall be laid out by said trustees, or a majority thereof, the damages therefor shall be ascertained and paid in the same manner as for other highways in said town; and the public bridges in said village to be built and kept in repair as other bridges in the said town of Bainbridge; and it is hereby declared lawful, at any annual meeting of its inhabitants, to choose one overseer of highways for each district, which overseer, shall have all the powers, and discharge all the duties of town overseer, except he shall make his return, on oath, to the trustees, at each annual meeting, aforesaid; and in case of vacancy in the office of overseer of highways, it shall be filled by the appointment of a majority of said trustees, as prescribed in the eighth section of said act.

Chap. 10.

AN ACT to empower Fireman's Lodge Number Nineteen of the Independent Order of Odd Fellows, in the city and county of Albany, to hold real and personal estate, to a limited amount.

Passed February 14, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Alpheus L. Lawrence, Michael Pettingill, Jefferson Peterman, John Niblock, and James M. Wat-

kins, trustees of Fireman's Lodge number nineteen, of the Independent Order of Odd Fellows, in the city and county of Albany, and their successors in office, are hereby empowered to take, hold, sell, transfer and convey real and personal estate, for the use and benefit of the said lodge for the charitable objects for which it was instituted, the value whereof shall not exceed the sum of six thousand dollars, and are hereby constituted a body corporate for that purpose, with power to sue and be sued, by the corporate name of "The Trustees of Fireman's Lodge number nineteen, of the Independent Order of Odd Fellows of Northern New York."

§ 2. The title to any real and personal estate now held by the trustees of said lodge, not exceeding in value the amount aforesaid, is hereby confirmed in the said trustees, as a corporation, as aforesaid, as fully and completely as if they had possessed legal power to take and hold the same, as a body corporate, at the time the same was acquired by them.

§ 3. The affairs of said corporation shall be managed by five trustees, to be elected annually, according to the by-laws of said lodge, from among the members thereof, who shall hold their office for one year, and until their successors are elected, and until the first election to be held under this act, Alpheus L. Lawrence, Michael Pettingill, Jefferson Peterman, John Niblock and James M. Watkins, the present trustees of said lodge, shall be the trustees of the corporation hereby created.

§ 4. This act shall take effect immediately.

Chap. 11.

AN ACT to authorize the Albany and Vermont Railroad Company to construct a branch road.

Passed February 17, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Albany and Vermont Railroad Company is hereby authorized to construct and operate, in connection with its present railroad, a branch railroad leading therefrom, in the town of Watervliet, to and across

Green Island, to connect on said island with the railroad tracks leading across the Hudson river bridge at Troy: and said company shall have the same powers to take and acquire lands for constructing such branch railroad, as are given to railroad corporations by the "Act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof: Provided, however, that the said branch road so authorized to be constructed as aforesaid, shall not cross or in any way interfere with the track, road or works of the New York Central Railroad Company, without the written consent of the said Central Railroad Company, and on such terms and conditions as may be agreed upon by the two companies.

§ 2. This act shall take effect immediately.

Chap. 12.

AN ACT to authorize the election of an additional assessor in the town of Wawarsing, Ulster county.

Passed February 19, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall hereafter be elected, in and for the town of Wawarsing, in the county of Ulster, an additional assessor, to the number now allowed by law, thereby making four assessors in said town. Each and every one of said assessors hereafter elected shall hold their office for the term of four years, and shall be located one in each election district.

§ 2. At the next annual town meeting in said town there shall be elected two assessors, one for the term of four years and one for the term of three years, and at every annual town meeting thereafter there shall be elected one assessor, whose term of office shall be four years.

§ 3. All acts and parts of acts conflicting with this act are hereby repealed, so far as relates to the said town of Wawarsing, Ulster county.

§ 4. This act shall take effect immediately.

Chap. 13.

AN ACT to authorize the Board of Supervisors of the county of Putnam to raise money by tax to pay volunteers in the United States service.

Passed February 19, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the county of Putnam are hereby authorized and empowered as soon as conveniently may be after the passage of this act, to order and cause to be raised by tax upon the several towns of said county in the same manner in which town and county taxes are raised, a sum in each town not exceeding the amount voted to be raised by the inhabitants thereof, at the special town meetings held therein in the months of August and September last; with the interest and usual fees for collecting the same, for the purpose of aiding enlistments in the United States service, to fill the quota of soldiers required from said county under the order of the secretary of war.

Authority
of super-
visors.

§ 2. All taxes voluntarily paid under the resolution passed at such special town meetings to the several town committees appointed to receive the same, shall be credited on the tax list to the persons thus paying, which sums together with the money collected under this act shall be paid to, and applied by such committee or member of the board of supervisors for the purposes aforesaid.

Sum=vol-
untarily
paid to be
credited on
tax list.

§ 3. The committee or persons appointed by the several towns, or said board, to receive said money shall account to the board of town auditors in their respective towns for all moneys received by them under the provisions of this act.

Committee
to account.

§ 4. This act shall take effect immediately.

Chap. 14.

AN ACT to confirm the acts of the governor of the State of New York, and to appropriate moneys for the repayment of moneys paid as bounties to volunteers, and for other purposes.

Passed February 21, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of three million six hundred thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to pay the bounties to volunteers, offered by the proclamation of the governor of this state, of July seventeen, eighteen hundred and sixty-two, regulated by his general order (as commander-in-chief) number fifty-nine, and limited and terminated by his proclamations of date August thirty, and September twenty-four, eighteen hundred and sixty two, and the comptroller is hereby authorized to apply the proceeds of the tax levied by virtue of section two of chapter four hundred and fifty-six of the Laws of eighteen hundred and sixty-two, to the payment of such bounties and also to the payment of one million five hundred and sixty-five thousand one hundred and fifty-three dollars and ninety-six cents, principal and interest, of the comptroller's bonds, issued in anticipation of said tax, and the proceeds of such tax are hereby appropriated for the purposes aforesaid.

§ 2. The comptroller is hereby authorized and directed to repay to the Commercial Bank of Albany, any moneys advanced by said bank for the purpose of paying the bounties referred to in the first section of this act.

§ 3. This act shall take effect immediately.

Chap 15.

AN ACT to authorize the levying of a tax upon the taxable property of the different counties and towns in this state, to repay moneys borrowed for, or expended in, the payment of bounties to volunteers, or for the expenses of their enlistment, or for aid to their families, or to pay any liability incurred therefor.

Passed February 21, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In all cases where a public meeting of the citizens of any town in this state, or a meeting of the persons, or officers composing the board of town auditors of such town, or of a majority of such officers or persons, shall have been held, at which, or in pursuance of the action of which meeting, any moneys have been raised, borrowed or procured, or at which it has been carried by vote that money be raised borrowed or procured, or at which, or in pursuance of the action of which, any liability has been incurred, for the payment of bounties to volunteers, enlisted or to be enlisted in the military service of the United States, in compliance with any call, order or proclamation of the President, or War Department, of the United States, or of the governor of this state, subsequent to the first day of July, one thousand eight hundred and sixty-two, or for the payment of the expenses of the enlistment of said volunteers, or for the furnishing aid to the families of such volunteers, or of any of them, and such moneys have been paid out and expended, or liability incurred by or under the direction of any committee, or of any person or persons appointed at such meeting, or by or under the direction of any officer or officers of said town, acting or assuming to act in an official capacity, the moneys so paid and expended or liability incurred, are hereby declared to be a debt against such town, to be paid with interest. And when a note, receipt, certificate, or other instrument shall have been issued, and given by such committee, or person or persons, or officer or officers thus acting or assuming

Action of meetings for the purpose of raising moneys for payment of bounties to volunteers, legalized and confirmed.

Notes, receipts, certificates, &c., to be evidence of debt.

Claims to
be audited.

Duty of
board of
auditors.

Note, re-
ceipt, &c.,
what to
specify.

Board of
auditors,
how called
together.

Duty of
board of
auditors.

Board of
auditors
may borrow
money.

to act, indicating the amount so raised, borrowed, procured or incurred, such note, receipt, certificate, or other instrument shall be evidence of the amount of such debt, and of the time from which interest is payable thereon and of the persons to whom the same is payable; and if no sufficient note, receipt, certificate, or instrument shall have been so given or issued, as aforesaid, then the claim for the money raised, borrowed or procured, or the liability incurred, shall be audited by the board of town auditors of said town, as other claims against the said town are audited. And it shall be the duty of the said board of town auditors to pass upon, audit and settle the same, and to deliver to the claimant a note, receipt, certificate, or other instrument, which shall be signed by the supervisor of said town and the clerk thereof, and of which an accurate account shall be kept by said clerk in a book provided for that purpose. The said note, receipt, certificate, or other instrument shall specify the name of the claimant, the amount of his claim with interest on the day of the date of such note, receipt, certificate, or other instrument thus audited, passed upon and settled, and shall express that the same is payable to such claimant, from such town, with interest from the date thereof. And the supervisor of any town in this state, on being requested by any such claimant, shall forthwith notify the board of town auditors to meet at some convenient place in said town, on a certain day, not less than two nor more than four days after such request, to pass upon, audit and settle such claims as shall then and there be presented against the said town under the provisions of this act; and it shall be the duty of said board of town auditors to meet at the time and place specified by the said supervisor and to proceed to pass upon, audit and settle all claims presented to said board under the provisions of this act.

§ 2. The board of town auditors of any town in this state, may, within sixty days after the passage of this act, borrow upon the credit of the said town such sum of money as may be sufficient to fully pay and satisfy the claims for money so paid and expended, or borrowed, or liability incurred as indicated by such notes, receipts, certificates, or other instruments as aforesaid under the provisions of this act, and all interest thereon, and the incidental expenses of the proceedings under this act.

§ 3. The said board of town auditors may for the money thus borrowed, give the bond or bonds of the said town, which shall be signed by the supervisor of said town, and countersigned by the clerk thereof, in their official capacity, and shall be attested by one of the justices of the peace of the said town; and said town clerk shall keep in the said book an accurate account of the said bonds, and to whom issued, and the amount of each bond, and the date thereof, and the time and manner when the same is payable. The said bonds may be made to draw interest and may be sold at private or public sale, but at no rate less than par, and shall be sold separately, and if at public sale to the highest bidder. Or the said town may at the then next meeting of the board of supervisors of the county in which said town is situated, procure the levying and imposing of a tax upon the taxable property of said town to pay the money thus borrowed. And the said board of town auditors shall by resolution decide whether so to give said bonds, or to procure the levying and imposing of said tax.

Bond may be given; how signed, &c.

Bonds may draw interest; how disposed of.

Tax may be levied.

Auditors to decide as to bonds or tax

§ 4. The money raised by the sale of said bonds and the said bonds themselves, or the money raised by said tax, shall be devoted to, and appropriated for the sole purpose of the repayment of the claims for money so paid and expended, or borrowed, or liability incurred as indicated by such note, receipt, certificate or other instrument as aforesaid, and for no other purpose, until the whole of said claims, and all interest thereon are fully paid and satisfied, and the surplus thereof, if any, may be applied to the payment of the incidental expenses of the proceedings of the said board of town auditors under this act, and whatever may then remain, shall be paid over to the supervisor of said town, for the ordinary purposes of the town.

Moneys raised in pursuance of this act how applied.

§ 5. The supervisor of the said town shall report to the board of supervisors of the county in which such town is situated, at the then next meeting of said board, the proceedings of the board of town auditors of his town, in the premises. The said board of supervisors, shall cause to be levied upon the taxable property of such town, and to be collected from the same at once or in installments or otherwise, as the board of town auditors shall have determined, or in case said board shall not have determined,

Reports of proceedings of town auditors.

Board of supervisors to cause tax to be levied

then as said board of supervisors may determine, such sums of money as may be necessary to pay the amount of said claims for money so paid or expended, or liability incurred as indicated by such notes, receipts, certificates or other instruments as aforesaid and the interest thereon, or the principal of said bonds and the interest thereon and the incidental expenses of carrying out the provisions of this act in the said town.

When
treasurer
may borrow
money from
credit of
county.

§ 6. The treasurer of any county, and chairman of the board of supervisors of any county in this state, or such person or persons as have been or may be appointed for that purpose by said board, are empowered, whenever they shall be authorized thereto, by a resolution of the board of supervisors of such county, to borrow upon the credit of such county such sums of money as may be necessary to repay and satisfy in full all moneys raised, borrowed or procured, or to discharge any liability incurred under any previous resolution or direction of said board of supervisors, either for the payment of bounties to volunteers enlisted as aforesaid, or for the payment of the expenses of procuring such volunteers, or for the relief of their families, or for the families of those who have enlisted at any time for or during the present war, and the liability for the same has been incurred under a resolution of the board of supervisors before the first day of January, eighteen hundred and sixty-three, interest accrued, or any incidental expenses thereof, or the incidental expenses of the doings of said board, or of said treasurer and chairman, or of said person or persons appointed by said board under this act. The bonds of the said county for the moneys thus borrowed may be executed and issued, payable with interest at such times and places, and in one sum or in such installments as the said board have determined or may determine; the said bonds shall be signed by said county treasurer and the said chairman in their official capacity, and the said county treasurer shall procure and prepare a book in which he shall keep a full and accurate account of the moneys so borrowed, and of the amount thereof, and of the amount and date of said bonds, and of the terms thereof, and the person or persons to whom the same shall have been issued. And the money so obtained, and the bonds so issued, and

Bonds of
county.

Moneys
obtained

the proceeds, shall be devoted to and appropriated for the payment of the money so borrowed or liability so incurred as aforesaid with all interest thereon, and the incidental expenses aforesaid, and the surplus, if any thereafter, shall be paid into the county treasury for the ordinary expenses of the said county.

and proceeds of bonds issued, how applied.

§ 7. The said board of supervisors shall cause to be assessed and imposed upon the taxable property of said county, in one year, or in such installments as said board shall see fit, such amount of tax as shall be necessary and sufficient to pay the money so borrowed, and all the interest thereon, and all the incidental expenses of carrying into effect the provisions of this act, as said money, and said interest, and said incidental expenses shall from time to time fall due and payable, and the said board of supervisors are hereby authorized in assessing such tax to assess the same in accordance with the provisions of any resolution or resolutions of said board heretofore passed, declaring in what proportions the respective towns and wards in said county shall be chargeable, and the said tax when collected and paid shall be devoted and appropriated to such purpose and to no other, except that any surplus after paying of the said bonds, both principal and interest, and said incidental expenses, shall be applied to the ordinary expenses of the said county.

Tax to be assessed upon county.

Proceeds of tax, how applied.

§ 8. In case in any town, an assessment shall have been made by any officer or officers thereof, or by any person or persons, in pursuance of the authority conferred by any public meeting, held in said town, upon the taxable property of said town, a portion of which only shall have been paid, the persons who have paid the same shall be held and considered as claimants against the said town, under this act, to the amount paid by them, and the Supervisor of the said town shall, before he delivers the assessment roll and warrant to the collector or receiver of taxes, or other officer, authorized to receive payment of taxes, submit the same to the board of town auditors of his town, and the said board shall upon the said assessment roll, opposite the name of each person or corporation, who or which shall have paid on the assessment mentioned in this section, credit and place the amount so paid by such person or corporation, and the said person

Claimants against towns, persons and corporations, to be credited with amount paid upon assessment roll.

or corporation shall not be required to again pay the amount so credited.

Assessment
of taxes,
on what to
be based.

§ 9. The assessment of taxes to be made by the provisions of this act, shall be based by the said board of supervisors upon the assessment roll, returned by the town assessor to said board next preceding the meeting at which said tax shall be laid, and upon the examination, alteration, correction and equalization made by said board of the said assessment rolls, and all other provisions of law (except as herein otherwise provided), in reference to the action of the board of supervisors in the imposing and assessing of taxes, shall apply to the action of said board under this act.

Warrant to
be annexed
to assess-
ment roll.

§ 10. To each assessment roll, delivered to a collector, of the tax or taxes imposed by this act, shall be annexed a warrant, under the hands and seals of the board of supervisors, or a majority of them, commanding such collector to collect from the several persons or corporations named in the assessment roll, the several sums mentioned in the last column of such roll, opposite to their respective names. If the warrant be directed to the collector of a town, it shall direct the collector, out of the moneys so to be collected, to pay to the supervisor of his town such sum as shall have been raised for the purposes of said town, by the provisions of this act, and to the treasurer of the county, the residue of said moneys. If in said assessment roll shall be included any tax not provided for in this act, then the said warrant shall also contain or follow the directions now provided by sections thirty-seven and thirty-nine of article third, title second, chapter twelfth, part first of the Revised Statutes. If said warrant be directed to the collector of a ward, it shall direct the collector to pay all sums to be collected, after deducting his lawful compensation, to the treasurer of the county, or other public officer now authorized by law to receive the same. In all cases the warrant shall authorize the collector, in case any person named in the assessment roll shall refuse or neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person; and it shall require all payments therein specified, to be made by such collector on a day certain therein to be named, which day shall not be later than the first day of February then next ensuing and as much

Duty of
town col-
lector.

Provision
where tax
not herein
provided
for is inclu-
ded in
assessment
roll.

Duty of
ward col-
lector.

When col-
lector may
levy by dis-
tress and
sale.

sooner as the said board of supervisors shall see fit. And all the provisions of law now existing, in relation to the collector of taxes, and his fees, shall apply to the tax to be imposed in pursuance of this act. If the collector to whom the warrant is by law to be delivered, shall have been elected, and shall have given a bond before the board of supervisors shall have assessed and imposed the taxes provided by this act, then before the assessment roll and warrant shall be delivered to such collector, under this act, he shall, within five days after he receives notice of the amount of taxes to be collected by him, execute to the supervisor of the town and lodge with him, a bond, in one or more sureties, to be approved by the supervisor, as to the number and sufficiency of such sureties, in double the amount of such taxes, conditioned for the faithful execution of his duties as such collector. And when the term of office of any collector to whom any warrant shall have been issued by virtue of the provisions of this act, shall expire before the return day, or expiration of such warrant, his powers, and duties, and liabilities, as such collector, and the liabilities of the sureties upon his bond shall continue until the return day, or expiration of such warrant, and until he and they shall have been discharged according to law.

Existing laws to apply.

When collector to execute bond.

Liability of collector and sureties; when discharged.

Supervisor to execute bond.

Supervisor not to receive moneys until bond is executed.

Penalty.

Provisions of existing laws made applicable.

§ 11. Every supervisor within ten days after he has delivered to the collector of his town the assessment roll and warrant as provided for by this act, shall execute and deliver to the county treasurer a bond, with two or more sufficient sureties, to be approved by such treasurer in a penalty of double the amount of moneys so to be paid to such supervisor by the directions of such warrant, conditioned for the faithful safe-keeping, disbursement of, and accounting for, said moneys. And no supervisor shall receive from the said collector any moneys, until he shall have executed and lodged with the county treasurer, his bond in compliance with this section. And any person who shall violate the provisions of this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable according to law.

§ 12. All provisions of law now existing, for the assessment, levying, imposing, collecting of taxes, and for paying over and disbursing the money collected, shall ap-

ply to the taxes provided for by this act, so far as the same are consistent with the provisions of this act. And whenever in any town, the office of town collector shall have been abolished, or whenever in any town, or city, or ward, there shall be a receiver of taxes, or other officer provided by law, to whom taxes shall be paid, the provisions of this act in relation to the collector of taxes shall apply to such receiver or other officer.

Taxes imposed by boards of supervisors in 1862 for certain purposes, are hereby confirmed and ratified.

§ 13. Any tax assessed or sum imposed, or placed upon the assessment roll in the year eighteen hundred and sixty-two, by the board of supervisors of any county in this state, which includes therein, or has stated thereon in any manner, or is for any sum or sums of money theretofore paid or borrowed in said county, or liability incurred therein, for bounty money to volunteers, or to repay moneys paid or to be paid or applied as bounties to volunteers enlisted in the service of the United States, subsequent to the first day of July, eighteen hundred and sixty-two, for additional forces for the army, or for money for the relief of the families of said volunteers, or for the incidental expenses of their enlistment, is hereby ratified and confirmed, and such tax is declared to be valid and effectual for all intents and purposes, from the time the same was so assessed or imposed or placed upon the assessment roll; and all proceedings had or taken for the collection of the same are hereby affirmed and legalized. The collectors of the several towns in which such tax was so assessed, imposed or placed upon the assessment roll, are hereby authorized and required to collect the same and to pay it over to the supervisors of their respective towns on or before the first day of April, eighteen hundred and sixty-three.

Collectors, duties of.

Bond, &c. of supervisors to be evidence of indebtedness.

§ 14. If the board of supervisors of any county, or any officer of said county by direction of such board or the officer or officers of any town acting in their official capacity, or assuming to act in their official capacity, shall have borrowed, or may hereafter in pursuance of any resolution heretofore passed by such board borrow any money, and shall have already issued, or caused to be issued, or may hereafter issue or cause to be issued, in pursuance of any resolution of such board heretofore passed, any bond, receipt, certificate, or other instrument, expressing an indebtedness, for the purposes provided for

by this act, and shall have made any agreement with the persons or corporations who shall have loaned said money in relation to the funding said loan, or the time of paying the same, such agreement by the said board of supervisors, or the board of town auditors of said town, shall be executed and fulfilled by the officers respectively authorized to execute the same, by said Board of Supervisors or the Board of Town Auditors of said town, and said bonds, receipts, certificates, or other instruments shall be legal and valid evidence of indebtedness against said county or town, respectively, and shall be provided for by tax, as in this act provided.

§ 15. At any time within ninety days after the passage of this act, a meeting of the several boards of supervisors in this state may be called for the purposes of this act. Such meeting may be called by the respective clerks of the boards of supervisors, without any written request, and notice shall be given thereof to each member of said board personally, or by leaving at his place of residence, and in writing, at least five days before the day of said meeting.

Meeting of supervisors may be called.

§ 16. The provisions of this act shall apply to the cities of this state, the same as to the towns thereof, and the common councils of said cities respectively, shall have the powers and duties hereby conferred upon the town auditors.

Provisions of act to apply to cities.

§ 17. The fees of town officers for services under this act, shall be the same as are now provided by law for like services.

Fees of town officers.

§ 18. The secretary of state shall at once, after the passage of this act, transmit to the county clerk of each county in this state, as many copies thereof as shall be sufficient to furnish one copy to each supervisor in the county of said clerks respectively; and the said clerks shall at once, on the reception thereof, transmit one copy to each supervisor in his county, and the expense of the transmission from said clerk to said supervisors, shall be a charge in favor of said clerk to be paid from the treasury of said county.

Secretary of state to transmit copies of act to county clerks. Duties of clerks.

§ 19. Nothing in this act contained shall be construed so as to prevent any county or any town in this state from, at once, by the methods already provided by law, or by the methods provided by this act, raising by tax

How provisions of act may not be construed.

upon the taxable property of said county or of said town, the amount necessary to repay, or to provide for the repayment and satisfaction of any moneys borrowed or procured, for the purposes mentioned in this act; and any county or any town in this state may at once, after the passage of this act, audit and settle the amount which said county or town should pay for the purposes mentioned in this act, and may at once in the manner provided by law, and by this act, levy and impose a tax upon the taxable property of said county or said town, to raise money for the payment and satisfaction of the same, without borrowing the money therefor, as provided in this act.

§ 20. This act shall not apply to cases where moneys have been voluntarily given by individuals, companies or corporations other than municipal corporations, for the purposes mentioned in this act, except in the county of St. Lawrence.

§ 21. This act shall take effect immediately.

Chap. 16.

AN ACT to confirm and legalize the taxes imposed in the year eighteen hundred and sixty-two, by the boards of supervisors of the several counties in the state, or of such of them as may have included in such taxes any sum or sums raised or advanced in their respective counties for the payment of bounty money to volunteers enlisted in the service of the United States, or for the support and maintenance of the families of such volunteers.

Passed February 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any tax assessed or imposed in the year eighteen hundred and sixty-two, by the board of supervisors of any county in this state, which includes therein, in any manner, any sum or sums of money theretofore paid in said county, for bounty money to volunteers enlisted in the service of the United States subsequent to

the call made by the President on the second day of July, eighteen hundred and sixty-two, for additional forces for the army, or for the support of their families, or for the incidental expenses of enlistment, is hereby ratified and confirmed, and such tax is declared to be valid and effectual for all intents and purposes, from the time the same was so assessed or imposed; and all proceedings had or taken for the collection of the same are hereby affirmed, and the several county treasurers are hereby authorized to receive in payment, or part payment of any tax, from the collectors of the several towns, and pay and discharge such checks or orders on the county treasurer as have been drawn or issued by the board of supervisors.

§ 2. This act shall take effect immediately.

Chap. 17.

AN ACT authorizing the extension of the time for the collection of taxes in the several towns and cities of this state, except in the county of Orleans.

Passed February 26, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any collector of taxes in any of the towns or cities of this state shall, within the time which is now or shall hereafter be provided by law, pay over all the moneys collected by him, and shall, within ten days after the passage of this act, renew his bond, with sureties to the satisfaction, in towns, of the supervisor, or in case of his absence or disability, of the town clerk, and in any city, in the manner in which collectors' bonds are now approved in a penalty not less than double the amount remaining uncollected by virtue of his warrant, such approval to be expressed in writing upon or attached to said bond, and which bond shall be filed and have the effect of a collector's bond, as provided by law, and shall also within the time aforesaid, deliver to the county treasurer, of his county, if a collector of taxes in any town, and to the city treasurer of his city, if a collector of taxes in any city, a copy of such bond and approval

duly certified or authenticated by the officer or board taking and approving the same, then the time for collecting the taxes and making the returns thereof, may be extended to a period not later than the first Monday of April next, which period shall in the towns be fixed and limited by the supervisor of such town, or, in the case of his absence or inability, by the town clerk, and in cities by the common council.

§ 2. This act shall not extend to the cities of New York, Albany, Brooklyn, Troy, Buffalo and Rochester, or any other city of this state wherein the taxes are collected under a special law.

§ 3. The provisions of this act shall not apply to the county of Orleans.

§ 4. This act shall take effect immediately, and shall expire on the thirty-first day of December next.

Chap. 18.

AN ACT amending the several acts authorizing town subscriptions to the stock of the Albany and Susquehanna Railroad Company; to extend the time for the completion of said road, and to regulate the weight of the iron rail to be used thereon.

Passed March 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In any case where the commissioner or commissioners of any town, authorized to subscribe to the stock of the Albany and Susquehanna railroad company, shall have filed in the town and county clerks' offices, proof by affidavit of the consent of a majority of the tax payers, their heirs or legal representatives of such town, preliminary to a subscription on behalf of said town, to the stock of said company, such proof by affidavit shall be valid and conclusive to authorize said subscription to the stock, and the issue of bonds to the amount specified in such proof; and clerical or other defect in such proof by affidavit, shall not invalidate it.

§ 2. When the commissioner of any town shall neglect or refuse to make report as required by law, to the board of supervisors, of the amount required to pay principal or interest on the bonds issued by such town, or any supervisor shall neglect or refuse to levy upon such town, the amount so reported, such commissioner or supervisor shall forfeit and pay as a penalty for such neglect or refusal, the sum of two hundred and fifty dollars, to be collected by the president of the said company, and applied by him to the payment of the principal or interest due or to become due on the bonds issued by such town.

§ 3. The provisions of an act entitled "An act to extend the time for the completion of the Albany and Susquehanna railroad, and to comply with the conditions of the act authorizing the city of Albany to make a loan to said company," passed April fourteenth, eighteen hundred and fifty-seven, are hereby extended five years in addition to the time now allowed by law.

§ 4. The Albany and Susquehanna railroad company may lay down and use in the construction of their road, iron rail, not less in weight than fifty-three pounds to the lineal yard.

§ 5. This act shall take effect immediately.

Chap. 19.

AN ACT to confirm the acts of the board of supervisors of the county of Erie, in relation to paying bounties to volunteers, and borrowing money for that purpose.

Passed March 4, 1863; three-fifths being present.

Whereas, The board of supervisors of the county of Erie, in the months of October, November and December, in the year one thousand eight hundred and sixty-two, for the purpose of filling the quota of men required from the said county under the call of the government of the United States upon the State of New York for troops, to aid in suppressing the present rebellion, did resolve to pay a bounty of one hundred dollars to each volunteer from said county enlisting in the military service of the United States under said call, and to borrow

the money necessary therefor, and issue the bonds of said county, signed by the chairman and clerk of said board, for the payment of the same, the re-payment of the money so borrowed to be provided for by tax, and did appoint a committee to carry said resolutions into effect; and, whereas, bonds have been issued and liabilities incurred, and bounties paid in pursuance of said resolutions; therefore,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts of supervisors confirmed.

SECTION 1. The resolutions of the board of supervisors of the county of Erie, adopted on the twenty-ninth day of October, the twentieth day of November, and the third day of December, in the year one thousand eight hundred and sixty-two, providing for the payment of bounties to those who should volunteer to enter the military service of the country, and the borrowing of money and issuing of bonds for that purpose, and all the acts of the chairman and clerk of said board and of the bounty committee appointed by said board, authorized by or performed in compliance with said resolutions, are hereby confirmed; and all bonds and other obligations heretofore issued, and all liabilities heretofore incurred by said board of supervisors, or its chairman and clerk, or said bounty committee, under and in pursuance of said resolutions, are hereby legalized and declared to be valid claims against the said county of Erie.

Authority of chairman and clerk.

§ 2. For the purpose of carrying out the provisions of said resolutions, and of paying the liabilities and claims in the first section of this act mentioned, so far as the same have not been already provided for by the issue of the bonds therein mentioned, the chairman and clerk of the board of supervisors of said county are hereby authorized to borrow on the credit of said county, such sum or sums of money as may be required for that purpose, to an amount not exceeding (inclusive of the bonds already issued as aforesaid.) the sum of two hundred thousand dollars, and to cause to be issued the bonds of said county for the payment of the same; which bonds shall be signed by the chairman and clerk of said board and sealed with the seal of said board, and shall be in such form and bear interest at such rate (not exceeding seven per cent per annum) and be payable at such times as the

said board did, in and by said resolutions, direct. The money so borrowed and bonds so issued and the proceeds thereof, shall be appropriated for the payment of bounties to volunteers, under and in pursuance of said resolutions, and the re-payment of moneys borrowed for such purpose and required therefor, and for no other purpose whatever.

§ 3. The board of supervisors of said county of Erie shall cause to be levied and collected, as a part of the county tax, and paid annually such sums as may be necessary to pay the interest on the bonds issued under said resolutions and under the foregoing sections of this act, and to pay the principal thereof within ten years from the first day of January, eighteen hundred and sixty-four, in installments as the same shall become due. The amount so to be levied and collected shall be apportioned by said board of supervisors to and among the several towns of said county to which any of said volunteers shall have been credited and the city of Buffalo, in proportion to the amounts paid, under said resolutions and this act for bounties to volunteers, credited to each of said towns and said city respectively, and shall be levied and collected from each of said several towns and said city respectively in accordance with such apportionment.

Payment of
interest.

§ 4. The resolution of the board of supervisors of the county of Erie adopted on the third day of December, in the year one thousand eight hundred and sixty-two, providing for the issuing to the supervisors of such towns of said county as have paid bounties to their volunteers out of moneys raised by loan or subscription for that purpose, the bonds of said county or orders on the county treasurer of said county for the amount so paid, is hereby confirmed; and the chairman and clerk of said board are hereby authorized to execute, and the bounty committee appointed by said board are hereby authorized to deliver the bonds of said county in accordance with the terms of said resolution. The said bonds when so delivered shall be valid claims against the said county of Erie, and the amount thereof so delivered to the supervisor of any town of said county shall be charged to such town, and the amount necessary to pay the principal and interest thereof, shall be levied on and collected from the taxable property of said town.

Bonds
made valid.

§ 5. This act shall take effect immediately.

Chap. 20.

AN ACT declaring the acceptance by this state, of the provisions of an act of the congress of the United States, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved second July, eighteen hundred and sixty-two.

Passed March 4, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State of New York, by its legislature, hereby declares its acceptance of the provisions of an act passed by the congress of the United States, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two; and the governor is hereby authorized to give such notice of the said acceptance as may be proper.

§ 2. This act shall take effect immediately.

Chap. 21.

AN ACT to amend an act entitled "An act to incorporate the Onondaga County Savings Bank, in the city of Syracuse," passed April tenth, eighteen hundred and fifty-five

Passed March 4, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the trustees of the Onondaga County Savings Bank to loan the funds of the said institution upon unincumbered productive real estate, worth double the amount to be secured thereby, located in the counties of Onondaga, Madison, Oswego, Cayuga and Cortland.

§ 2. This act shall take effect immediately.

Chap. 22.

AN ACT to amend an act entitled "An act to authorize the business of banking," passed April eighteen, eighteen hundred and thirty-eight.

Passed March 4, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In all cases where the articles of association of any banking association do not prescribe as to the number of directors necessary to constitute a quorum, and make no provision for determining the same, such banking association may by its direction, declare and fix the number of directors necessary to be present to constitute a quorum for the transaction of business, which number shall not be less than five, with the same effect as if the same was prescribed in the articles of association of such banking association.

Chap. 23.

AN ACT releasing the interest of the state in certain lands and premises lately owned by Edward Lewis Frederick Steinheil, and authorizing his widow and heirs-at-law to take, hold, and convey the same.

Passed March 4, 1863 ; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest which the people of the State of New York have in and to any lands and premises lying and being in the city and county of New York, belonging to Edward Lewis Frederick Steinheil, deceased, at the time of his death, by reason of the alienage of the said Edward Lewis Frederick Steinheil, is hereby released to the widow and heirs-at-law of the said Edward Lewis Frederick Steinheil, subject to all the claims of creditors of or purchasers from the said Edward Lewis Frederick Steinheil, in the same manner

and with the like effect as if he had been a native citizen of the United States; and the said widow and heirs-at-law may take, hold and convey the said lands and premises in the same manner and with the same effect as if they were citizens of this state, subject to the claims of said creditors and purchasers.

§ 2. This act shall take effect immediately.

Chap. 24.

AN ACT releasing the interest of the state in certain lands and premises lately owned by James Peter Henry Vivien, and authorizing his widow and heirs-at-law to hold and convey the same.

Passed March 4, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest which the people of the State of New York have in and to any lands and premises lying and being in the city and county of New York, belonging to James Peter Henry Vivien, deceased, at the time of his death, by reason of the alienage of the said James Peter Henry Vivien, is hereby released to the widow and heirs-at-law of the said James Peter Henry Vivien, subject to all the claims of creditors of or purchasers from the said James Peter Henry Vivien, in the same manner and with the like effect as if he had been a native citizen of the United States; and the said widow and heirs-at-law may take, hold and convey the said lands and premises in the same manner and with the same effect as if they were citizens of this State, subject to the claims of said creditors and purchasers.

§ 2. This act shall take effect immediately.

Chap. 25.

AN ACT to provide for the payment of certain bonds issued by the corporation of the city of New York, and to authorize a continuance of the aid heretofore granted and allowed by the said corporation to families of volunteer soldiers from that city, now serving in the army of the Union.

Passed March 6, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the mayor, aldermen and commonalty of the city of New York, to borrow in the year eighteen hundred and sixty-three, upon the faith and credit of said corporation, the sum of five hundred thousand dollars, and to issue therefor the bonds of said corporation in the usual form, which shall be known and designated as "The volunteer soldiers' bounty fund redemption bonds," and be payable on the first day of November, eighteen hundred and sixty-seven, and bear interest at a rate not exceeding seven per cent per annum, payable semi-annually on the first day of May and November in each year. The money so borrowed shall be applied to the payment and redemption of the "Volunteer soldiers' bounty fund bonds," payable October first, eighteen hundred and sixty-three, issued under the ordinance of said corporation passed September second, eighteen hundred and sixty-two, and to no other object or purpose whatever.

Power of
mayor, &c.
to borrow
money, and
how ap-
plied.

§ 2. It shall also be lawful for the said the mayor, aldermen and commonalty of the city of New York, to borrow in the year eighteen hundred and sixty-five the further sum of five hundred thousand dollars, and to issue therefor the bonds of said corporation, in the usual form, which shall be known and designated as "The volunteer soldiers' family aid fund redemption bonds," and be payable on the first day of November, eighteen hundred and sixty-eight, and bear interest at a rate not exceeding seven per cent per annum, payable semi-annually, on the first day of May and November in each year. The money so borrowed shall be applied to the payment and redemption

th.

of "The volunteer soldiers' family aid fund bonds number three," payable July first, eighteen hundred and sixty-five, issued under the ordinance of said corporation, passed June eighteenth, eighteen hundred and sixty-two, and to no other object or purpose whatever.

Power of
mayor, &c.
to borrow
money, and
how ap-
plied.

§ 3. It shall likewise be lawful for the said the mayor, aldermen and commonalty of the city of New York, to borrow, from time to time, and to issue their bonds, in the usual form, for such sum and sums of money as may be required to enable the said corporation to fulfill and make good the pledge made by a resolution of the common council of said city, passed August fifth, eighteen hundred and sixty-two, in the following words, to wit:

"Resolved, That this common council does hereby pledge the faith of the corporation of the city of New York to a continuation, without interruption, of the payments at present being made, under the ordinance creating the 'Volunteer soldiers' family aid fund number three,' approved June eighteenth, eighteen hundred and sixty-two, until the termination of the present rebellion, to all persons entitled to share in its benefits." Of the bonds issued for moneys borrowed in pursuance of this section, not more than five hundred thousand dollars shall be payable in any one year. The first issue thereof shall be made payable on the first day of November, eighteen hundred and sixty-nine, and the succeeding issues shall be made payable on the first day of November in each year, successively, after the said year eighteen hundred and sixty-nine.

Bonds to
bear in-
terest.

§ 4. The bonds authorized by the last preceding section shall be known as "The volunteer soldiers' family aid fund bonds." and the successive issues thereof shall be designated by a number to indicate the particular issue, the first issue to be designated as number five. The said bonds shall bear interest at a rate not exceeding seven per cent per annum, payable semi-annually, on the first day of May and November in each year, and the money so borrowed shall be applied to the purpose of making payments in aid of the families of soldiers from the city of New York, in accordance with the terms and conditions of the said ordinance, passed June eighteenth, eighteen hundred and sixty-two.

Authority
of super-

§ 5. The board of supervisors of the county of New

York are hereby authorized and required to order and cause to be raised by tax in each year, upon the estates by law subject to taxation within said county, the sums of money necessary to meet and pay the interest payable on the "Volunteer soldiers' bounty fund redemption bonds," specified in and authorized by the first section of this act, and the interest on "The volunteer soldiers' family aid fund redemption bonds," authorized by and specified in the second section of this act; also the interest on the bonds authorized by, and which may be issued in pursuance of, the provisions of the third section of this act.

visors, to
raise tax,
to pay inter-
est on
bonds.

§ 6. The said board of supervisors are also hereby authorized and required to order and cause to be raised, by tax upon the estates aforesaid, in the year eighteen hundred and sixty-seven, the amount of money required to pay and redeem the principal of "The volunteer soldiers' bounty fund redemption bonds," before mentioned, and in the year eighteen hundred and sixty-eight, the amount required to pay and redeem the principal of "The volunteer soldiers' family aid fund redemption bonds," to become due and payable in that year.

Authority
of super-
visors to
raise tax,
to pay
principal on
bonds.

§ 7. The payment and redemption of the principal of "The volunteer soldiers' family aid fund bonds," authorized by the third section of this act, shall likewise be provided for by the said board of supervisors in each year, as the said bonds shall respectively become due and payable, in the same manner as the redemption of the principal of said volunteer soldiers' bounty fund redemption bonds, and the volunteer soldiers' family aid fund redemption bonds, are authorized and required to be provided for by the sixth section of this act.

rb.

§ 8. The several amounts authorized to be raised by tax under this act, shall be levied and collected in the same manner as other taxes are by law levied and collected in said county, and shall be applied and expended for the payment of the said several loans and interest thereon, as hereinbefore provided, and for no other purpose or purposes whatever.

Authority
to collect.

§ 9. The said bonds shall be sold only after the comptroller shall have advertised for three weeks consecutively, in three daily newspapers, in the city of New York, having the largest circulation for proposals for said bonds.

Sale of
bonds.

§ 10. This act shall take effect immediately.

Chap. 26.

AN ACT to legalize certain ordinances of the corporation of the city of New York.

Passed March 6; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following three ordinances of the mayor, aldermen and commonalty of the city of New York, to wit :

First. An ordinance entitled " An ordinance to provide relief for the families of the volunteers from the city of New York, serving in the army of the Union," passed June eighteenth, eighteen hundred and sixty-two ;

Second. An ordinance entitled " An ordinance to promote the speedy recruitment of the several regiments and brigades of volunteers from the city of New York, now organizing in this city, or actually at the seat of war," passed September second, eighteen hundred and sixty-two ;

Third. An ordinance entitled " An ordinance making an appropriation of five hundred thousand dollars for the continuation of the relief now afforded to soldiers' families," passed November eighth, eighteen hundred and sixty-two, are hereby severally declared to be lawful and of binding force.

§ 2. This act shall take effect immediately.

Chap. 27.

AN ACT to appropriate the proceeds of the state tax for the support of common schools.

Passed March 12, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of one million, eighty-six thousand, nine hundred and seventy-seven dollars and ninety-six cents, being the proceeds of the state tax levied and assessed by virtue of chapter one hundred and eighty, of the Laws of eighteen hundred and fifty-six, for the

Amount
appropri-
ated.

support of common schools during the present fiscal year, and also five hundred and eighty-four dollars and ninety-six cents, being a part of the balance in the treasury unappropriated and placed to the credit of the fund denominated in the books of the treasury the "Free School Fund," are hereby appropriated to the support of common schools, to be distributed during the current fiscal year, according to law.

§ 2. The further sum of nine hundred and sixty-nine dollars and fifty-three cents, being the residue of the money in the treasury, to the credit of the aforesaid fund, and also the sum of one thousand dollars, or so much thereof as may be returned to the treasury, on account of any errors in the apportionment of the school moneys for the present year, or so much of said sums as may be necessary, are hereby appropriated to the support of common schools, to enable the superintendent of public instruction to make supplementary apportionments to delinquent districts, pursuant to the provisions of section fourteen. of chapter four hundred and eighty of the Laws of eighteen hundred and forty-seven; and the authority therein granted to him shall, for the present year, include the "one-third apportionment," now withheld from any district in which a school was not taught six months, by a qualified teacher, during the preceding school year.

Amount
appropriated.

§ 3. This act shall take effect immediately.

Chap. 28.

AN ACT in relation to the Fort Edward, Sandy Hill and Glens Falls Railroad Company.

Passed March 14, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Fort Edward, Sandy Hill and Glens Falls Railroad Company, organized on the tenth day of January, eighteen hundred and sixty-three, under an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, for the purpose of constructing, maintaining and operating a railroad, to be

run with horse power or dummy engine, from the village of Fort Edward, in the county of Washington, through the village of Sandy Hill, to the village of Glens Falls, in the county of Warren, shall not be required to comply with the provisions of the twenty-second, twenty-third, twenty-seventh, thirty-first, thirty-second, thirty-third, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, forty-fourth, and forty-fifth sections of the said act. The said company shall file a report annually, under the oath of two of the principal officers, of its business and affairs with the State Engineer and Surveyor, in such form as he shall require.

§ 2. The said company may, and they are hereby authorized to use any existing bridge or bridges across the Glens Falls feeder and Champlain canal, for the purpose of constructing, maintaining and operating thereon such railroad tracks or ways, and to erect and maintain new and additional bridges for such purposes: provided, however, that the consent of the canal board shall be obtained thereto, and subject to such conditions and restrictions as the canal board shall, from time to time, impose: provided, always, that such new bridges shall not interfere with the use or navigation of the said Glens Falls feeder or Champlain canal, and shall be constructed in a manner to be approved by the canal board.

§ 3. This act shall take effect immediately.

Chap. 29.

AN ACT confirming certain proceedings of the common council of the city of Buffalo, granting relief to the families of volunteers and to authorize the said common council to borrow money for that purpose.

Passed March 14, 1863; three-fifths being present.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The resolution of the common council of the city of Buffalo, adopted on the first day of September, in the year one thousand eight hundred and sixty-two,

whereby the said common council determined to borrow from the contingent fund of said city, the sum of fifty thousand dollars for eighteen months, to be used solely for the purpose of assisting the families of such residents of said city as then had volunteered or might thereafter volunteer into the military service of the country, under the late calls of the president, and such others as might thereafter enter the service of the United States; and all the acts and proceedings of the said common council, in relation to the borrowing of the said sum of fifty thousand dollars from said contingent fund, for the purpose aforesaid, and in relation to the application, disbursing and distribution of said sum, are hereby confirmed and declared to be legal and valid; and for the purpose of repaying and reimbursing to the said contingent fund the said last named sum, the said common council of the city of Buffalo is hereby authorized and empowered to borrow, upon the credit of said city, the sum of fifty thousand dollars, and for that purpose the said common council may, in its discretion, issue the bonds or other obligations of the said city of Buffalo, for a sum not exceeding in the aggregate fifty thousand dollars, payable with such rate of interest, not to exceed seven per centum per annum, as the said common council shall determine, in such sums, at such times, respectively, not exceeding twenty years from the issuing thereof, and at such place or places within the state, as the said common council shall determine; and the said common council shall add to the amount of the general tax of said city, of each year hereafter, a sum sufficient to pay so much and such part of said bonds or obligations, with the interest thereon, or so much and such part of the interest thereon as may become due the following year, the payment of which shall not be otherwise provided for.

§ 2. This act shall take effect immediately.

Chap. 30.

AN ACT to legalize the official acts of Oliver A. Barstow, as a justice of the peace of the town of Nichols, Tioga county.

Passed March 14, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the acts and proceedings which have been had before Oliver A. Barstow, of the town of Nichols, county of Tioga, as a justice of the peace of said town, since the thirty-first day of December, one thousand eight hundred and sixty-two, shall be held and adjudged to be of the same force, effect and validity as if the said Oliver A. Barstow had taken the oath of office in the manner and within the time required by law ; and all liabilities incurred by the said Oliver A. Barstow, for having executed any of the duties and functions of the said office of justice of the peace, without having taken the oath of office as required by law, are hereby remitted.

§ 2. This act shall not affect the right of any party to any suit or legal proceeding which has been commenced previous to its passage, in consequence of the invalidity of any act or proceeding by or before the said justice.

§ 3. It shall be lawful for Oliver A. Barstow, in the first section of this act named, to take and file his oath of office required by part one, chapter five, title six, article three of the Revised Statutes, at any time within fifteen days after the passage of this act.

§ 4. This act shall take effect immediately.

Chap. 31.

AN ACT making appropriations for the canal debt and the maintenance of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and sixty-three.

Passed March 14, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums are hereby appropriated out of the revenues of the state canals, for the fiscal year commencing on the first day of October, eighteen hundred and sixty-three, for the expense of the collection of tolls, superintendence and ordinary repairs of the public works, salaries of canal commissioners, state engineer and surveyor, auditor of the canal department, clerk hire and incidental expenses, and of the canal appraisers, the sum of eight hundred thousand dollars, or so much thereof as may be necessary; but no more of the above appropriation than seventy thousand dollars shall be paid and applied on and for the salaries of collectors of canal tolls and their clerks, and on and for the salaries of the weighmasters and their assistants; including the incidental expenses of such collectors and weighmasters. And no more of the above appropriation than sixteen thousand dollars shall be paid and applied on and for the salaries and compensation of the engineers authorized to be employed on the repairs of the canals, by the third and fourth sections of the act, chapter one hundred and sixty-nine of the Laws of one thousand eight hundred and sixty-two, including the incidental expenses of such engineers, and no part of this sum shall be expended and applied for the payment of clerk hire in the offices of said engineers.

Amount appropriated and application thereof

Collectors and weighmasters.

Engineers.

To pay the interest and reimburse the principal of the canal debt, as it existed on the first day of June, eighteen hundred and forty-six, the sum of one million seven hundred thousand dollars.

Interest of canal debt.

For payment toward the sinking fund for the extinguishment of the general fund debt, the sum of three hundred and fifty thousand dollars.

Sinking fund.

Interest on
loans.

For the payment of interest on loans made under the constitution for enlargement and completion of the canals, the sum of seven hundred and ten thousand dollars, or so much thereof as may be necessary.

Sinking
fund for
payment of
principal of
loans under
sec. 3 art 7
of constitu-
tion.

To constitute a sinking fund for the extinguishment of the principal of the loans made under section three of article seven of the constitution, the sum of four hundred and six thousand two hundred and forty-three dollars ; but no investment in such fund shall be made except from the surplus revenues of the canals, received during the year, after paying the interest on the debt contracted under section three of article seven of the constitution.

For expen-
ses of gov-
ernment.

For the general fund to defray the necessary expenses of the government, the sum of two hundred thousand dollars.

For pay-
ment of
interest &c.
on floating
debt of
state.

§ 2. The following sums are hereby appropriated out of the proceeds of the tax to be levied and collected under the provisions of the act, chapter two hundred and seventy-one of the Laws of eighteen hundred and fifty-nine, to pay the interest and redeem the principal of the loan of two million five hundred thousand dollars to provide for the payment of the floating debt of the state.

1b.

To pay the interest on said loan for the fiscal year commencing on the first day of October next, one hundred and fifty thousand dollars.

For pay-
ment on
principal.

To provide for the sinking fund to pay the principal of said loan, one hundred and thirty-eight thousand eight hundred and eighty-eight dollars, being for one year's contribution to said fund, as provided for by the act aforesaid.

Limitation
of amount
for salaries
of engineers

§ 3. No greater sum than at the rate of sixteen thousand dollars a year, shall be paid and applied for and on account of the salaries and compensation of the engineers appointed and employed on the repairs of the canals, under the third and fourth sections of the act, chapter one hundred and sixty-nine of the Laws of eighteen hundred and sixty-two, during the fiscal year ending on the thirtieth day of September next.

§ 4. This act shall take effect immediately.

Chap. 32.

AN ACT to amend an act entitled "An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens," passed March nineteenth, eighteen hundred and sixty-one, and the act amendatory thereof, passed April twenty-second, eighteen hundred and sixty-two.

Passed March 19, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the supervisor of the town of Flushing, and the commissioners appointed by the act entitled "An act to provide for the erection of a town hall, in the town of Flushing, in the county of Queens," to borrow on the faith and credit of the said town of Flushing, such a sum of money as they shall deem necessary for the objects hereinafter mentioned, not exceeding six thousand dollars in addition to the amount they are already by law empowered to raise at a rate of interest not exceeding seven per cent per annum, and to execute therefor under their official signatures, bonds for the payment of the same in three annual installments with interest, payable annually in the years eighteen hundred and seventy-two, eighteen hundred and seventy-three, and eighteen hundred and seventy-four.

§ 2. The said supervisor and commissioners shall, with the money so borrowed as aforesaid, finish, complete and furnish the town hall provided for in the aforementioned act, and improve the site thereof, for the use of the said town, and also extend and beautify the park in Broadway, in the village of Flushing, near said town hall, and for that purpose shall have power to use and occupy the said street or road known as Broadway, in the said village, for the said park, and to contract for materials and labor therefor, and also to contract for labor and materials for the construction of proper sewers along said street, and to provide for the sufficient sewer-

age of the same in the vicinity of said park and town hall.

§ 3. It shall be the duty of the said supervisor and commissioners to account as provided by section four of the aforesaid act. The board of supervisors of the county of Queens shall cause the additional amount herein authorized to be raised, to be levied and collected and paid, as authorized by section five of an act entitled "An act to amend an act entitled 'An act to provide for the erection of a town hall, in the town of Flushing, in the county of Queens,' passed April twenty-second, eighteen hundred and sixty-two."

§ 4. This act shall take effect immediately.

Chap. 33.

AN ACT to legalize the official acts and proceedings of Michael Langton, as a justice of the peace of the town of Castleton, Richmond county.

Passed March 19, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the official acts and proceedings of Michael Langton, acting as a justice of the peace in and for the town of Castleton, in the county of Richmond, from the first day of March, eighteen hundred and sixty-to the thirty-first day of December, eighteen hundred and sixty-one, both days inclusive, are hereby confirmed and shall be held to be of full force and validity.

§ 2. Nothing in this act shall be construed to affect any cause of action, or suit or proceeding in cases where any suit has been commenced before the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 34.

AN ACT to legalize the official acts and proceedings of Peter Tiernan, as a justice of the peace of the town of Castleton, Richmond county.

Passed March 19, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the official acts and proceedings of Peter Tiernan, acting as a justice of the peace in and for the town of Castleton, in the county of Richmond, from the first day of March, eighteen hundred and sixty, to the thirty-first day of December, eighteen hundred and sixty-one, both days inclusive, are hereby confirmed, and shall be held to be of full force and validity.

§ 2. Nothing in this act shall be construed to affect any cause of action, or suit or proceeding, in cases where any suit has been commenced before the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 35.

AN ACT for the relief of the trustees of the Gloversville Union Seminary.

Passed March 19, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the Gloversville Union Seminary, are hereby authorized and empowered to mortgage their seminary property for an amount not to exceed five thousand dollars, for the purpose of paying all the outstanding debts against the said seminary. And the money so borrowed shall not be applied to any other object whatever; but the trustees of the said academy shall pay at least ten per cent of the principal of the said mortgage, annually in addition to the interest, and in default thereof, shall not be permitted to share in the

distribution of the literature fund for the year in which any such default shall occur.

§ 2. This act shall take effect immediately.

Chap. 36.

AN ACT authorizing the village of West Troy to pave Broad street therein from Auburn street to its southern terminus; to procure a steam fire engine, and the necessary hose, hose carriage, lot and engine house for the same, and to borrow money for such purposes; also empowering the said village to light the streets thereof, and directing that the police constables of said village be uniformed and wear badge of office.

Passed March 19, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Paving
Broad st.

SECTION 1. The president and trustees of the village of West Troy are hereby authorized and empowered to pave Broad street in said village, and the gutters thereof, (except such portion of said street as may be paved by the Watervliet Turnpike and Railroad Company,) from the northern boundary of Auburn street to its southern terminus, with the Belgian or trap block pavement.

Bids for
work.

§ 2. The said president and trustees are hereby authorized and required to advertise in three of the newspapers published in the city of New York, for the period of three weeks prior to the letting of the contract therefor, for proposals for the filling, grading and paving the said street, and the gutters thereof, specifying in such advertisement the work to be done, the manner thereof, and the materials to be used therein, the time and place when and where the bids of the several persons proposing to do such work, will be publicly opened, and the letting declared and the amount of security required. The said work to be let to the lowest bidder therefor, whose proposal shall be accompanied by the consent in writing of two freeholders of the State of New York, with their respective places of residence, to the effect, that if the con-

Burdies for
perform-
ance.

tract be awarded to the person or persons making the proposal, they will, on its being so awarded, become bound as his or their sureties for its faithful performance; and that if he or they shall omit or refuse to execute the same, they will pay to the said village any difference between the sums to which he or they would be entitled on its completion, and that which the said village may be obliged to pay to any higher bidder to whom the contract may be awarded at any subsequent letting. The adequacy and sufficiency of the sureties offered to be determined by the said president and trustees.

§ 3. Neither the said president, or any one of the said trustees, or any other officer of the said village, shall be directly or indirectly interested in the said proposals, or in the supplies or work to which they relate, or in any portion of the profits thereof.

No village officer to be interested in bids.

§ 4. The said president and trustees are hereby authorized and required to assess the expense of the pavement of the gutters in said street, to the width of three feet from the curb stones in said street, upon the land, lots or parts of lots in front of, or adjoining which, such gutters have been paved, and the sums so assessed shall be charged upon the said land, lots or parts of lots, and a tax against the owners thereof respectively, and the said president and trustees shall have the same power, and are required to proceed in the same manner in the collection thereof, as is provided in sections fifty-one and fifty-two of the charter of said village for the collections of assessments for improvements upon the sidewalks, gutters or streets in front of, or adjoining, lots in said village.

Expense to be assessed.

§ 5. The said president and trustees are hereby further authorized and empowered to maintain and keep that part of the said street which they are hereby authorized to pave, and the pavement therein in repair, and to levy and assess the expense thereof upon the taxable property in said village, at the same time and in the same manner that they are authorized to levy and assess taxes for the maintenance and repair of the other streets in said village.

Street and pavement to be kept in repair.

§ 6. The said president and trustees are hereby further authorized and empowered to purchase a steam fire engine, and the necessary hose, hose carriage, lot and engine house for the same (or to erect such engine house).

Steam fire engine.

Money may
be loaned.

§ 7. The said president and trustees are hereby further authorized and empowered, on the faith and credit of said village, to borrow a sum not exceeding twenty thousand dollars for the purposes specified in the first and sixth sections of this act, and to execute bonds therefor, under the corporate seal of said village and the signatures of the president and clerk thereof, the bonds to be in such form, and for such sum or sums of money, and the principal and interest made payable at such times and places as to the said president and trustees shall seem most expedient. The time for the payment of such bonds not exceeding ten years. The said president and trustees being hereby authorized and empowered to assess and collect by tax upon the taxable property in said village the sum or sums of money necessary and requisite to meet the payment of the installments of the said bonds as they shall fall due, and the interest thereon.

Streets to
be lighted.

§ 8. The president and trustees of said village are hereby further authorized and empowered to cause the streets and public places therein to be lighted, and for that purpose by purchase or otherwise, to procure the necessary lamps and lamp posts and have the same set up, prepared and kept in repair for use; and the expense thereof to assess upon the taxable property in said village.

Police
constable.

§ 9. The police constables of said village are hereby required to wear a uniform dress and the usual star or badge of office, the manner and style of such uniform and badge to be prescribed by said president and trustees.

Power of
president
and trustees

§ 10. This act is intended to vest in the president and trustees of said village the direct power and authority to do and perform the several acts and things herein specified, without resorting to the proceedings specified in the charter thereof.

§ 11. This act shall take effect immediately.

Chap. 37.

AN ACT to enable the trustees of the Kingsborough Academy to convey said academy lot and buildings to the trustee of school district number twenty-two, in the town of Johnstown, Fulton county, and to provide for the sale of the school house and lot in said district, and for applying the proceeds of such sale.

Passed March 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of Kingsborough Academy, or a majority of them, are hereby authorized to convey the real and personal property belonging to the said academy, upon such terms as they deem best, by a proper conveyance, to be signed, sealed and acknowledged by them, to the trustee, or trustees if there be more than one, of district number twenty-two, in the town of Johnstown, Fulton county, who is or are hereby authorized to hold, own and possess the same as such trustee, or trustees, for a school house for said district.

Trustees may convey property.

§ 2. The trustee, or if there be more than one, a majority of said trustees, of said school district number twenty-two, in the said town of Johnstown and county of Fulton, is or are hereby authorized to sell, upon such terms as to price and time of payment as he or they shall deem best for the interest of said school district, and, by a proper conveyance to be signed, sealed and acknowledged by him or them, to convey the school house belonging to said school district and the lot on which said school house stands.

School house and lot may be sold.

§ 3. It shall be the duty of the said trustee, or trustees if there be more than one, at least two weeks before making such sale and conveyance, to post notices in three public places in said district, stating the authority to sell the said school house and lot.

Notice of sale.

§ 4. The money arising from said sale shall be applied towards repairing the buildings now known as the Kingsborough academy buildings, and fitting the same for a school house for said district, provided the said buildings

Application of money.

and lot shall be conveyed to the said trustee or trustees of said school district as provided by this act.

§ 5. This act shall take effect immediately.

Chap. 38.

AN ACT to incorporate Neptune Fire Hose Company Number One, of Tompkinsville, Richmond county, State of New York.

Passed March 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. Michael A. Croley, George H. Bryant, James Tate, William V. Branniff, John A. Hayes, William Bryant, Patrick J. Hayes, Martin Allen, John P. Giles, John Bryant, Charles B. Western, Stephen H. Jones, Edward Bourne, James Bourne, Cornelius Silva, Patrick Brannan, John Sumers, William D. Burbank, John W. Jennings, Thomas F. Wyant, Michael Lynch, Samuel Cooper, Michael Driscoll, Wm. M. Hayes, Frederick Hesselewood and John Tate, are hereby constituted a body corporate, by the name of "Neptune Fire Hose Company Number One, of Tompkinsville," and by that name they and their successors shall be capable, in law, of purchasing, holding and conveying any real or personal estate, necessary for their use as a hose fire company, to the amount of five thousand dollars; also, by their corporate name aforesaid, they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manners of actions, suits, complaints, matters and causes whatsoever.

By-laws.

§ 2 The said corporation shall have full power to make and establish such by-laws, rules and regulations as they from time to time shall think proper, as to their officers, time, place and manner of electing them, the period of their continuance in office, their removal for good cause, their power and duties, as to the election of members and their removal, and the government of per-

sons appointed by them as firemen, and with respect to the purposes for which this corporation is constituted.

§ 3. The said corporation shall have full power and authority to nominate and appoint a sufficient number of firemen, not exceeding forty, to have the care and management of the fire hose carriage, and all implements belonging to said company, who shall be ready at all times to assist in extinguishing fires and to perform all the duties which may be required of them by the regulations of said company, and in case of removal of any members, to appoint others in their places.

Appoint-
ment of
firemen

§ 4. Each of the persons so appointed firemen as aforesaid, who shall serve as such fireman for five years, including the time they or either of them may have served as a member of "Neptune Hose Number One of Tompkinsville," previous to this act of incorporation, shall during such service be exempted from serving as a juror in any of the courts of this state, and during such service be exempted from militia duty, except in cases of war, insurrection or invasion; and a certificate signed by the foreman and secretary of said company, and verified before an officer empowered to administer oaths in any court of record, shall be conclusive evidence in all cases that the person named therein is or has been a member of said company for the period therein stated.

Exemption
from
serving as
jurors, and
from mili-
tia duty

§ 5. This act shall take effect immediately.

Chap. 39.

AN ACT for the relief of C. W. Allis and others, and to authorize and empower the trustees of the village of Skaneateles to raise five hundred dollars by tax for that purpose.

Passed March 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Henry Riegel, judge of the county of Onondaga, is hereby authorized and required to appoint three commissioners, whose duty it shall be to ascertain and determine the several amounts of highway tax paid to Lyman Loveland, street commissioner of the village

Appoint-
ment of
commis-
sioners.

of Skaneateles in the year eighteen hundred and fifty-six, by the following named persons, to wit: C. W. Allis, Allis, Moses and Huxtable, William Adams, Eben Bean, E. M. Beach, William M. Baldwin, Joseph Bird, Michael Bradley, James Brown, William Bryant, John Beatty, Charles Clark, Archibald Douglass, Thomas Drakeford, John Day, Richard Davis, Thomas Day, Alfred T. Dewell, Spencer A. Daniels, James Dunn, Daniel Doherty, John Doherty, Cornelius Doherty, Mrs. Lydia Fuller, Miss Hannah Fuller, Samuel Francis, Sereno Field, Mrs. Juliet Field, John S. Furman, John French, John B. Furman, James Fitzgerald, Mrs. Eliza Griffin, Josias Garlock, L. B. Goodwin, James R. Gillman, Thomas Gillmore, Henry Gridley, Joseph Gauley, Wm. R. Gorton, Wm. R. Graham, Andrew Gamble, Spencer Hannum, Richard Huxtable, Henry W. Huxtable, Samuel B. Hitchcock, James Harlock, James Haskins, Daniel W. Hall, Eli Jones, Henry Julia, Mrs. Pledis Keeney, Mrs. N. J. Knight, H. Q. Knight, Dorastus Kellogg, Frederick Keebler, Dorastus Lawrence, Edmund N. Leslie, William Lisk, Jesse E. Loomis, Lyman Loveland, Miles Lamb, George P. Morgan, Morgan and Daniels, Nathaniel Miller, Lucien Moses, Moses and Huxtable, Lydia P. Mott, Arthur Mott, Charles McCarthy, John Marshall, Bernhardt Miller, Jerry Mahoney, Henry S. Nye, William B. Narracong, Charles Pardee, John Packwood, Louisa Pomeroy, Harvey Platt, Robert Peacock, Mary Prouse, William Packwood, Daniel J. Potter, Byron B. Reddish, Alanson Roff, John Roudley, William Rubert, John S. Ross, Jason Reed, H. L. Roosevelt, Mrs. N. J. Roosevelt, John Rosseter, W. F. Shotwell, William Stacey, Jarat Smith, Samuel Stewart, Reuel Smith, Jeremiah Sullivan, Jeremiah Shallish, William Sullivan, Gottlieb Sanwald, B. Springer, J. T. Tylee, John Tolin, John Tate, J. H. Vanderburgh, Mrs. Geo. Van Dyke, Thomas G. Weeks, Lucien D. Wait, John Wheeler, John Wilmot, John Wiman, L. S. Worden, E. Wolcott, and Orson Young: also the amounts paid for advertising the notice of application to the legislature of the State of New York, for "An* for the relief of C. W. Allis and others," in the year eighteen hundred and sixty, and by whom paid.

* So in original.

Duty of
commis-
sioners.

§ 2. It shall be the duty of the commissioners, when appointed, and for the purpose mentioned in the first section of this act, to meet at the tavern called the Lake House, in the village of Skaneateles, kept by Richard Gale, with power to call for persons and papers, to testify relating to the several amounts of highway tax paid to Lyman Loveland, street commissioner of the village of Skaneateles, in the year eighteen hundred and fifty-six, by each of the persons named in the first section of this act, and the amounts paid for advertising the notice of application to the legislature of the State of New York, for "An act for the relief of C. W. Allis and others," in the year eighteen hundred and sixty, and by whom paid. The said commissioners shall give ten days' notice to the taxable inhabitants of the village of Skaneateles, (by causing such notice to be published in the "Skaneateles Democrat," a newspaper published in said village,) of the time and place of their meeting, and upon the hearing of the above proceedings, shall award, according to the best evidence they can procure in said village, the amount of highway tax, paid by each person named in the first section of this act, (to said Lyman Loveland, street commissioner of the village of Skaneateles, in the year eighteen hundred and fifty-six,) to such persons severally; and also the amounts paid for advertising the notice of application to the legislature, aforesaid, to such person who paid the same. The said commissioners shall also include in their award the legal interest on all sums from the date of payment to the date of their award. Said award, when complete, shall be signed by each of said commissioners, or a majority of them, and by them delivered to the treasurer of the village of Skaneateles, who shall file the same in his office for safe keeping.

Duty of
trustees of
village.

§ 3. It shall be the duty of the trustees of the village of Skaneateles, after the delivery of said award to the treasurer of the village, to assess, apportion and raise by tax in said village, the sum of five hundred dollars, in addition to any and all sums they otherwise might raise, or have authority to raise by law, and it shall be lawful for said trustees to assess and cause the said tax to be collected and enforced, in the same manner as other taxes are assessed, collected and enforced in said village, and when the treasurer shall have collected the taxes under the

tax roll and warrant to be delivered to him, it shall be the duty of the said treasurer to pay to each of the several persons named in the award, (deposited with the said treasurer,) the several amounts set opposite their respective names, provided such persons (except the commissioners aforesaid) were, at the date of the award, aforesaid, residents of the village of Skaneateles. The balance remaining on hand after the payment of the award made by said commissioners, may be appropriated by the trustees of the village of Skaneateles, to any purpose consistent with the provisions of the charter of said village.

Pay of
commis-
sioners.

§ 4. The commissioners appointed by the first section of this act, shall receive for their services, the sum of three dollars each per day, and six cents each for each mile traveling expenses, and they shall pay all necessary expenses incurred during this proceeding, after they shall have received the same from the treasurer of the village, all of which compensation and expenses shall be paid to said commissioners by the treasurer of the village of Skaneateles, which amount or sum shall be entered and included in the award to be delivered to said treasurer.

§ 5. This act shall take effect immediately.

Chap. 40.

AN ACT to authorize the canal board to accept conveyances to the State of the Clark and Skinner canal or slip, in the city of Buffalo, and to authorize the common council of the city of Buffalo to convey the same.

Passed March 23, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Canal board
may accept
conveyance

SECTION 1. For the purpose of accomplishing the objects expressed in the resolution of the canal board of the eighteenth and nineteenth of April, one thousand eight hundred and forty-three, so far as the same remain unexecuted in regard to the Clark and Skinner canal or slip, in the city of Buffalo, and of the views of the canal board in relation to the same subject, as expressed in

the report of the said board to the Assembly, dated September twenty-seventh, eighteen hundred and forty-seven, assembly document number two hundred and five, the canal board is hereby authorized to accept the Clark and Skinner canal or slip as contemplated by the said resolution and report, and the said canal board is hereby further authorized to accept from the city of Buffalo a conveyance and transfer of the said Clark and Skinner canal or slip, to the people of this state, and also any and all other necessary conveyances, releases and acquittances to the people of this state from individuals or corporations, to vest the absolute title and property of the said canal or slip in the people of the State of New York, with the banks, towing paths, bridges and other structures now being thereon.

§ 2. The canal board shall not accept of any release, conveyance, transfer or acquittance under this act, which does not expressly release all damages and claim of damages to the state, incurred or claimed in consequence of the state assuming the said improvement, or of the construction or improvement hereafter of the said canal or slip; and the mayor and common council of the city of Buffalo are hereby authorized to make and execute the proper conveyances and releases under this act.

Convey-
ances what
to embrace.

§ 3. After the transfers and acceptance contemplated by this act shall have been perfected, the canal board shall have the same power to allow and certify to such works of extraordinary repair and improvement in and upon the said canal or slip as the said board now has upon or in regard to any completed canal of this State, under the existing statutes of this State; but no extraordinary repair or improvement shall be made in or upon the said canal or slip, whereby the state shall or may be subjected to any claim for damages for lands taken and used, or to any other claim of damages or payment of money, whatever, except to pay for the repair and improvement allowed and certified under the provisions of this act.

Authority
of canal
board, as to
improve-
ments.

§ 4. This act shall take effect immediately.

Chap. 41.

AN ACT to confirm the official acts of Stephen B. Tidd, heretofore elected a justice of the peace in the town of West Bloomfield, Ontario county.

Passed March 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The official acts of Stephen B. Tidd, heretofore elected a justice of the peace in the town of West Bloomfield, in the county of Ontario, are hereby ratified and confirmed, and made valid and effectual for all purposes, as if he had taken the oath of office as required by law : Provided, however, that nothing herein contained shall affect any suit now pending, or any right vested or acquired in opposition to such acts.

§ 2. This act shall take effect immediately.

Chap. 42.

AN ACT in relation to the support of the poor in the several towns of the county of Montgomery.

Passed March 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisors, town clerk, and at least three of the justices of the peace of each of the several towns in the county of Montgomery, shall, on the first Tuesday of May next, assemble at the place where the last town meeting was held, in their respective towns, and appoint one overseer of the poor for such town, who shall hold his office and discharge the duties hereinafter devolved upon him, until the next annual town meeting to be held in the several towns in said county, and no longer.

Appoint-
ment of
overseer.

Election of
overseer.

§ 2. At the annual town meetings to be held in the several towns in said county in the year eighteen hundred and sixty-four, and every two years thereafter, there shall be elected in each of the said several towns, one overseer

of the poor of the town, who shall hold his office for two years.

§ 3. The powers and duties heretofore conferred upon and exercised by the supervisors of the respective towns in said county of Montgomery, so far as relates to the adjudication in relation to and the relief and support of the poor, are hereby conferred upon the overseers of the poor of the respective towns in said county, to be appointed and chosen as provided in the first and second sections of this act, and it shall be the duty of the overseer of the poor of each town in said county, to exercise the power and discharge the duties aforesaid, and hereafter no other person or officer shall in any manner or way exercise such power or discharge such duties.

Duty of overseers.

§ 4. In case of the absence of the overseer of the poor from the town in which he is a resident, or of his inability to serve, or in case of a vacancy in said office, the powers and duties aforesaid shall be exercised and discharged by any justice of the peace of such town.

When justice to act.

§ 5. It shall be the duty of the overseer of the poor of each town in said county, at every annual town meeting to be held therein, to present to the electors then assembled, an estimate of the sums needed to be expended for temporary relief of the poor of such town, for the ensuing year, and a statement of all deficiencies which may then exist, of the previous year, which sums shall be voted upon by the electors of such town, and the sum so voted shall be raised by the supervisor of such town, as other town expenses are raised, and paid over to the overseer of the poor of such town, to be by him expended for the temporary relief of the poor of such town.

Moneys to be annually raised.

§ 6. It shall be the duty of the overseer of the poor of each town in said county, to enter in a book to be by him kept for that purpose, the names of all persons who shall apply to him for relief, with the date of such application; and his decision in each case, whether sent to the poor house, temporarily relieved or application refused, together with an account of all sums by him expended in the relief of each indigent or poor person and family, and the number of persons relieved in each family; to whom paid; of all orders granted, to whom given and upon whom drawn; which book shall at all times be open to

Overseer to keep book.

the inspection of any taxable inhabitant of the town. He shall also, at the annual town meeting in his town, make and publish to the electors of said town, a report and statement of all relief by him granted, to whom granted, and the amount granted to each person.

Account of
overseers to
be audited.

§ 7. The said overseers of the poor shall, at the time when other town accounts are audited, present to the board of town auditors of their respective towns, an account of all moneys received by them, and how expended, and the said board of town auditors shall audit and allow the same, in the manner now required by law, as other town expenses are audited and allowed, and all expenses for temporary or permanent relief for the poor of the several towns, furnished by such overseer, whether resident or transient, shall be a charge on the town where the overseer of the poor granting such relief, resides, and in which such expenses have accrued.

When
expense a
county
charge.

§ 8. It shall be the duty of the overseers of the poor of the several towns in said county, when in their judgment it shall seem proper, to send any person applying for relief, to the poor house in said county, and in that event the expenses of keeping and maintaining such person shall be a charge upon the county, to be audited, allowed and paid as other county expenses are audited, allowed and paid.

Pay of
overseer.

§ 9. The overseers of the poor of the several towns in said county shall receive for their services at the rate of one dollar and fifty cents for each day actually and necessarily spent in the discharge of their duties, but the whole sum to be received by them in any one year, for such services, shall not exceed in amount the sum of fifty dollars. They shall also, within ten days after their election, or of their appointment, execute to the supervisor of their several towns, a bond, with sufficient sureties, to be approved by such supervisor, in the penal sum of one thousand dollars, conditioned for the faithful discharge of their duties and for the faithful accounting of all moneys received and expended by them. And they shall also make a report to the superintendent of the poor, and keeper of the poor house, between the first and tenth day of December.

Bond, with
sureties to
be given.

Report to
be made.

Supervi-
sors to
appoint

§ 10. The board of supervisors of said county shall, at their annual meetings, appoint a keeper of the poor house,

who shall hold his office for one year, and who shall also be superintendent of the poor of said county. He shall receive a yearly salary, to be fixed by the board of supervisors, not exceeding five hundred dollars. Said keeper, when so appointed, shall have all the powers and exercise all the duties now conferred by law on the keeper of the poor house of said county.

keeper of
poor house.

§ 11. Said keeper shall, before he enters upon the duties of his office, execute to the treasurer of said county a bond, in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by such treasurer, conditioned for the faithful performance of the duties of his office, and the proper application of the moneys that may come into his hands by virtue of this act; and in case of default in any of the conditions of his said bond, the office of said keeper shall thereby be forfeited, and the said treasurer is hereby authorized and required to prosecute the said bond to judgment and execution, and all moneys arising therefrom shall be paid into the county treasury for the support of the poor of said county.

Keeper to
execute
bond.

Duty of
treasurer.

§ 12. Hereafter no superintendent of the poor shall be elected at the annual election in the county of Montgomery, but from and after the first day of January, eighteen hundred and sixty-four, all the powers and duties now conferred upon and exercised by the superintendent of the poor of the said county of Montgomery, shall be conferred upon and exercised by the keeper of the poor house as superintendent of the poor of said county.

Powers,
&c., of su-
perintend-
ent, con-
ferred upon
keeper.

§ 13. The county poor expenses shall hereafter be audited by the board of supervisors, in the same manner as other county expenses are audited.

§ 14. This act shall take effect immediately.

Chap. 43:

AN ACT to amend an act entitled "An act to incorporate a Fire Company in the town of Fishkill, in the county of Dutchess," passed April twenty-second, eighteen hundred and twenty-nine.

Passed March 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to incorporate a fire company in the town of Fishkill, in the county of Dutchess," passed April twenty-second, eighteen hundred and twenty-nine, and the title thereof, are hereby amended by striking out the words "fire company in the town of Fishkill," wherever the same occur therein, and inserting in lieu thereof the words "fire department in the village of Fishkill."

§ 2. The second section of said act is hereby amended so as to read as follows :

§ 2. The said trustees and their successors in office, or a majority of them, shall have full power and authority to appoint a sufficient number of firemen (not exceeding forty), to each engine and twenty to each hook and ladder truck belonging to said department, to have the care, management, working and using of said fire engine or engines and hook and ladder truck or trucks and all the implements thereof, and who shall be ready at all times to assist in extinguishing fires.

§ 3. This act shall take effect immediately.

Chap. 44.

AN ACT to incorporate "The Trustees of the Sands' Fund."

Passed March 25, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Right Reverend Horatio Potter, bishop of the Protestant Episcopal church in the diocese of New

York, the Reverend William E. Eigenbrodt, secretary of the convention of the said church, Charles N. S. Rowland, treasurer of the said convention, and Henry Meigs, junior, treasurer of the Episcopal fund of said diocese, and their successors in office, are hereby created a body corporate and politic, under the name of "The Trustees of the Sands' Fund."

§ 2. The said corporation is hereby authorized to take and receive from the executors or trustees under the last will and testament of Abraham B. Sands, late of the city of New York, deceased, (recorded in the office of the surrogate of the city and county of New York,) the sum of three thousand dollars, bequeathed by the said Abraham B. Sands for the benefit of certain of the parochial clergy of the said diocese, and to hold and administer the said fund for the objects and purposes, and in the manner provided for and directed in and by the said last will and testament of the said Abraham B. Sands, and to take, hold, convey and manage other real and personal estate, for the like objects and purposes, the yearly value or income of which shall not exceed two thousand dollars.

§ 3. The said corporation shall possess the general powers and privileges of a corporation, under the Revised Statutes.

§ 4. This act shall take effect immediately.

Chap. 45.

AN ACT supplementary to the act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen.

Passed March 25, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, is hereby amended by adding thereto the following provisions:

1. It shall be lawful for any Roman Catholic church or congregation now or hereafter existing in this state, to be

Catholic churches.

may be incorporated under general act.

incorporated according to the provisions of this act; the Roman Catholic archbishop or bishop of the diocese in which such church may be erected or intended so to be, the vicar general of such diocese, and the pastor of such church for the time being, respectively, or a majority of them, may select and appoint two laymen, members of said church, and may, together with such laymen, sign a certificate in duplicate, showing the name or title by which they and their successors shall be known and distinguished as a body corporate by virtue of this act, which certificates shall be duly acknowledged or proved, in the same manner as conveyances of real estate; and one of such certificates shall be filed in the office of the secretary of state, and the other in the office of the clerk of the county in which such church may be erected or intended so to be; and thereupon such church or congregation shall be a body corporate, by the name or title expressed in such certificate, and the said persons so signing the same shall be the trustees thereof. The successors of any such archbishop, bishop, vicar general, or pastor, respectively, for the time being, shall, by virtue of his office, be the trustee of such church, in place of his predecessor; and such laymen shall hold their office respectively for one year, and whenever the office of any such laymen shall become vacant by death, removal, resignation or otherwise, his successor shall be appointed in the same manner as herein provided for his original selection.

Powers of trustees.

2. The trustees of every such church or congregation, and their successors, shall have all the powers and authority granted to the trustees of any church, congregation or society, by the fourth section of the act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and shall also have power to fix or ascertain the salary to be paid to any pastor or assistant pastor of such church, but the whole real and personal estate of any such church, exclusive of the church edifice, parsonage and school houses, together with the land on which the same may be erected, and burying places, shall not exceed the annual value or income of three thousand dollars; but nothing herein contained shall be held or taken to repeal, alter or impair the effect of chapter three hundred and sixty of the Laws of eighteen hundred and sixty.

Duty of trustees.

3. The trustees of any church incorporated under this

act are required to exhibit, upon oath, to the supreme court in the judicial district in which the church is situated, once in three years, an inventory of all the estate, real and personal, belonging to such church, and of the annual income thereof, which inventory shall be filed in the office of the clerk of the county in which such building is situated.

4. Whenever any church incorporated under this act shall be dissolved, by means of any non-user or neglect to exercise any of the powers necessary for its preservation, or otherwise, the same may be reincorporated in the mode prescribed in this act, within six years from the date of such dissolution, and thereupon all the property, real and personal, belonging to such dissolved corporation, at the time of its dissolution, shall vest in such new corporation.

May be
reincorporated in
case of
non-user or
neglect.

5. All conveyances to any church incorporated under this act, of any real estate heretofore appropriated to the use of such church or the congregation thereof, or intended so to be, are hereby confirmed and declared valid and effectual.

§ 2. The legislature may at any time modify, alter or repeal this act.

§ 3. This act shall take effect immediately.

Chap. 46.

AN ACT to amend an act entitled "An act to authorize the levying of a tax upon the taxable property of the different counties and towns in this state, to repay moneys borrowed for or expended in the payment of bounties to volunteers, or for the expenses of their enlistment, or for aid to their families, or to pay any liability incurred therefor," passed February twenty-first, eighteen hundred and sixty-three.

Passed March 25, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sixteenth section of the act entitled "An act to authorize the levying of a tax upon the taxa-

ble property of the different counties and towns in this State, to repay moneys borrowed for or expended in the payment of bounties to volunteers, or for the expenses of their enlistment, or for aid to their families, or to pay any liability incurred therefor," passed February twenty-first, eighteen hundred and sixty-three, is hereby amended so as to read as follows: "The provisions of this act shall apply to the cities of this State the same as to the towns thereof, and the common councils of said cities respectively, shall have the powers and duties hereby conferred upon the town auditors; the bonds to be issued under this act by any city, shall be in the same manner and form as other bonds of said city heretofore issued, and in case none have been heretofore issued by any city, then, in such manner and form as provided by its act of incorporation, or as the common council thereof shall by resolution prescribe."

§ 2. This act shall take effect immediately.

Chap. 47.

AN ACT for the improvement of Clinton avenue in the city of Brooklyn, between Flushing avenue and the river, for commercial purposes.

Passed March 25, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Brooklyn is hereby authorized, without petition, to order Clinton avenue, in said city, from Flushing avenue to the northerly termination of said Clinton avenue or the bulkhead line thereof, as established by law, to be filled in, graded and paved, gas lamps and posts to be erected therein, a bulkhead to be built across the end thereof in the river, and the channel or river adjoining such bulkhead to be dredged and made suitable for dockage purposes.

§ 2. The expense of such measures shall be assessed, levied and collected in the same manner as the expense of grading and paving streets in said city, and for that purpose all the provisions of law in relation to assessing,

levying and collecting assessments for local improvements shall be applicable to the improvement hereby authorized, except that the common council shall, before authorizing the same to be done, fix a district within which the assessment shall be made, and give notice thereof in the corporation newspapers for at least thirty days before they determine to proceed with the improvement, which they shall not do in case a majority of the persons liable to assessment shall remonstrate against the improvement, within the said thirty days.

§ 3. The said common council shall have power to fix the rates of wharfage, which rates shall not exceed those now established by law, dockage and cranage for the use of said dock and bulkhead, and no exclusive privilege shall be given to any person or persons for the use of said dock or bulkhead or any part thereof, other than for the immediate loading, unloading, or discharging and receiving cargoes from vessels or boats.

§ 4. The said common council are hereby authorized to keep the said dock and bulkhead in repair and to dredge the channel in front thereof, from time to time, as may be necessary.

§ 5. This act shall take effect immediately.

Chap. 48.

AN ACT appropriating a portion of the revenues of the literature fund for the benefit of academies.

Passed March 25, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The additional sum of three thousand dollars is hereby appropriated out of the surplus revenues of the literature fund now in the treasury, for the benefit of the academies of this state subject to the visitation of the regents of the university, for the purchase of text books, maps, globes, philosophical and chemical apparatus, and objects and models in natural history, to be assigned by the regents to the said academies, pursuant

to the second section of the act chapter one hundred and forty of the Laws of eighteen hundred and thirty-four.

§ 2. This act shall take effect immediately.

Chap. 49.

AN ACT to authorize the Bank of Geneva to reduce its capital stock.

Passed March 25, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Bank of Geneva is hereby authorized to reduce its capital stock to an amount not less than two hundred thousand dollars, and the said bank shall within six months after it shall have determined to reduce said capital stock, actually place to the credit of, or pay over to its several stockholders pro rata the amount by which said capital stock shall be reduced ; or the said bank shall within that time actually buy in and retire the amount of stock by which it shall be determined to reduce its capital.

§ 2. Nothing in this act contained shall in any way change or lessen the liability of the stockholders of the said bank to the bill holders or other creditors thereof, or affect any indebtedness or any engagement now existing against said bank, or that may so exist, either absolutely or contingently, at the time when such reduction shall take place.

§ 3. This act shall take effect immediately.

Chap. 50.

AN ACT to amend an act entitled "An act to incorporate the president, managers and company of the Delaware and Hudson Canal Company," passed April twenty-third, eighteen hundred and twenty-three.

Passed March 25, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twentieth section of the act entitled "An act to incorporate the president, managers and company of the Delaware and Hudson Canal Company," passed April twenty-third, eighteen hundred and twenty-three, is hereby amended so as to read as follows:

"And be it further enacted, that the said managers shall also keep a just and true account of all the moneys received by their several and respective collectors of toll, and all other emoluments; and shall make and declare a dividend of the clear profits and income thereof, among all the stockholders not in arrear to the company, all contingent costs and charges being first deducted; and shall, on such days as they from time to time, by by-law or resolution, prescribe, in every year, publish the half yearly dividends made of the clear profits, and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly."

§ 2. This act shall take effect immediately.

Chap. 51.

AN ACT to amend the Revised Statutes in relation to misdemeanors.

Passed March 25, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections thirty-five and thirty-six of chapter one, title six, part fourth of the Revised Statutes are hereby amended so as to read as follows:

Selling
offices a
misdemean-
or.

§ 35. Every person holding or exercising any office under the laws or constitution of this state, who shall for any reward, consideration or gratuity paid, agreed to be paid or reserved to be paid directly or indirectly, grant to another the right, privilege or authority to discharge any of the duties of such office, either by permitting another to make appointments or to perform or discharge in any manner directly or indirectly the prerogatives or duties of such office, shall upon conviction be deemed guilty of a misdemeanor, and in addition to other punishments herein prescribed, shall forfeit his office and be forever disabled from holding such office, and every person who shall give or make any agreement to give any gratuity or reward in consideration of any such grant or deputation, shall upon conviction be deemed guilty of a misdemeanor.

Procuring
appoint-
ments, for
reward, a
misdemean-
or.

§ 36. Every person who shall directly or indirectly, accept or receive, or agree to accept or receive, any reward or gratuity, paid, agreed to be paid, or reserved to be paid, for the purpose of procuring for another the appointment to any office created by the constitution or under the laws of this state, or any clerkship or subordinate position in any such office, shall upon conviction be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail, not less than six months, nor over two years, and by fine not less than two hundred nor over one thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 52.

AN ACT to authorize the city of Poughkeepsie to borrow money to pay that portion of the water loan of said city which fell due on the first day of December, eighteen hundred and sixty-two, and to pay the indebtedness incurred by said city in borrowing money to pay certain bounties authorized by the mayor and common council of said city in the year eighteen hundred and sixty-two.

Passed March 26, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Poughkeepsie is hereby authorized to borrow, on the credit of said city, the sum of six thousand dollars to pay that portion of the second water loan of said city, yet unpaid, which fell due on the first day of December, eighteen hundred and sixty-two.

Payment of
water loan.

§ 2. The common council of the city of Poughkeepsie is hereby authorized to borrow, on the credit of said city, the sum of forty-eight thousand, one hundred and nineteen dollars and eighty-nine cents, to pay the indebtedness incurred by said city by the payment of bounties to soldiers who have enlisted from said city into the service of the United States.

Payment of
bounties to
soldiers.

§ 3. For the moneys borrowed pursuant to the first section of this act, the said common council is hereby authorized to issue bonds or certificates of indebtedness in the name and under the seal of said city, and signed by the mayor and chamberlain, in sums of not less than five hundred dollars nor more than one thousand dollars each. The first of said bonds to be made payable on the first day of March, in the year eighteen hundred and eighty-four, and the other of said bonds to be made payable, one on the first day of March in each year thereafter until all are paid, with interest payable semi-annually on the first days of March and September.

Bonds or
certificates
may be
issued for
moneys
under first
section.

§ 4. For the moneys borrowed pursuant to the second section of this act the said common council is hereby

Ibid as to
moneys.

under
second
section.

authorized to issue bonds or certificates of indebtedness in the name and under the seal of the said city, and signed by the mayor and chamberlain, in sums of one thousand dollars each. The first two of said bonds to be made payable on the first day of March, in the year eighteen hundred and sixty-four, and the other of said bonds to be made payable, two on the first day of March in each year thereafter. But for the fractional sum of one hundred and nineteen dollars and eighty-nine cents, part of the last said moneys so borrowed, a like bond or certificate drawing interest semi-annually as above may be issued therefor, payable one year after the last of the others issued for the same purpose shall fall due.

Tax to be
levied.

§ 5. Due provision by tax shall be made in each year by the said common council for the payment of the interest and principal falling due on all said bonds or certificates during the next ensuing fiscal year, and such interest and principal shall be assessed, levied, and raised in the same manner as any other public or general tax of said city, and in conjunction with the general taxes of said city.

§ 6. This act shall take effect immediately.

Chap. 53.

AN ACT to authorize the sale and disposition of the reversionary interest of Caroline M. Hurd, Samuel W. Cass and Jane M. Cass, infants, in real estate, situated in the village of Watkins, in the county of Schuyler, and also of the interest of their trustees and descendants.

Passed March 26, 1863; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

What lands
may be
sold.

SECTION 1. The reversionary interest of Caroline M. Hurd, Samuel W. Cass and Jane M. Cass, of the village of Watkins, in the county of Schuyler, infants under the age of twenty-one years, and their descendants, of, in or to the whole or any part or parts of all that certain lot of land, with the buildings and appurtenances thereunto

belonging, situated in the village of Watkins, in the county of Schuyler, bounded as follows: on the south by Washington street, on the east by Decatur street, on the north by Warren street, and on the west by land belonging to Mrs. A. T. Silsbee, containing about one acre of land, and also another piece of land, situated in said village of Watkins, bounded on the south by Washington street, on the west by Decatur street, on the north by Warren street, and on the east by Porter street, containing about two acres of land, which said reversionary interest was devised to said infants by C. Anna Freer, late of said village of Watkins, deceased, may be sold in the manner hereinafter directed.

§ 2. The application for such sale, and all the proceedings thereupon, shall be made to the supreme court in the sixth judicial district, and conducted in the manner directed in and by article seventh, of title second, of chapter first, of part third of the Revised Statutes of this state, entitled "Of proceedings in relation to the conveyances of lands by infants, and the sale and disposition of their estates," except as hereinafter provided.

How sold.

§ 3. Securities taken for the avails of such sale, may, if the court shall so direct, be taken in the names of the trustees of said infants, in their character as such trustees, and be by them held for the use and benefit of said infants, as directed in and by the last will and testament of the said C. Anna Freer, deceased.

Securities on sale.

§ 4. If George G. Freer, who owns an estate for and during his natural life in said premises, or his assigns, shall be willing to give a conveyance for such life estate to the purchaser of the reversionary interest of said infants, then in such case the court may order and direct that from the avails of such sale in fee, the value of the life estate (to be computed according to law) be paid to the owner of said life estate, and the residue (being the value of said reversionary interest) be secured as aforesaid under the direction of the court to cumulate during the time of said life estate, for the use and benefit of said reversioners.

Life estate of George G. Freer.

§ 5. The conveyance made in pursuance of this act, shall be valid and effectual to vest in the purchaser and his assigns, a fee simple absolute as against the said infants, and as against all their descendants, whether in

Effect of conveyance.

being or not, who might be entitled under the will of said C. Anna Freer, and as against the trustees of said infants forever, of, in and to the premises thus conveyed.

§ 6. This act shall take effect immediately.

Chap. 54.

AN ACT to authorize the trustees of the Prospect Hill Cemetery Association to remove the bodies from their burying ground, in the village of Gloversville, and to sell the said burying ground.

Passed March 26, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the Prospect Hill Cemetery Association, of Gloversville and Kingsboro, are hereby authorized to remove, or cause to be removed, from their burial ground in the village of Gloversville, the remains of all bodies buried and now remaining therein, and all monuments and head-stones thereon, to the Prospect Hill cemetery proper ; and in making such removal, in all cases where any such head-stone or monument shall designate the particular place of deposit of the remains of any person, by name, such remains shall be so buried in, and such head-stone or monument shall be erected or placed upon the cemetery so as to designate the particular place where such remains shall be deposited.

§ 2. The said trustees are hereby authorized to sell, at public or private sale, the burying lot in said village of Gloversville, after such removal of the remains of the bodies, as aforesaid, and by good and sufficient deed or deeds, to convey the same to the purchaser or purchasers thereof.

§ 3. The said trustees are hereby authorized and required to publish a notice in a newspaper, if there is any published in said village of Gloversville, and also put up in five of the most public places in the village of Gloversville, a notice, at least six weeks previous to the

removal of any of the said bodies, the substance of which notice shall be that the said trustees, or a majority of them will, on a day to be fixed by the notice, meet at the said burying ground for the purpose of hearing any suggestions as to the way and manner of removing said bodies, and the places of their burial after removal.

§ 4. This act shall take effect immediately.

Chap. 55.

AN ACT to enable the supervisor of the town of Wawarsing to borrow money upon the credit of the town, and to provide for the payment thereof.

Passed March 26, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor of the town of Wawarsing, in the county of Ulster, is hereby authorized to borrow, upon the credit of said town, such sum of money as the board of auditors of the said town shall ascertain, determine and certify to be necessary to pay the just debts of said town, for roads and bridges and for the support of the poor, and also such sum of money, in addition thereto, as the said board of town auditors shall determine and certify to be necessary to relieve the families of the volunteers in the army, from such town, not exceeding in all the sum of three thousand dollars, upon the official bonds of the said supervisor, to be paid in three equal annual payments, on and after the first day of February, one thousand eight hundred and sixty-four, with interest annually.

§ 2. The supervisor of said town shall expend the money so borrowed, in the payment of the said debts and in the relief of such of the families of the volunteers in the army who have enlisted from such town, as may be directed by the said board of town auditors, or a majority thereof.

§ 3. The board of supervisors of said county shall cause the moneys to pay said bonds, and the interest thereon, as the same shall become due and payable, to be levied and assessed upon the said town of Wawar-

sing, and to be paid to the supervisor of said town, to be paid on said bonds.

§ 4. This act shall take effect immediately.

Chap. 56.

AN ACT to designate the time and place for the election of officers of the village of Cuba, in the county of Allegany.

Passed March 26, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. On the first Monday in April next, an election for officers of the village of Cuba, in the county of Allegany, shall be held in said village, at the place where the last annual town meeting was held. Any one or more of the persons last elected to the office of trustee of said village, may preside at such election, and such election shall be conducted in the manner now provided by law. The officers elected at such election shall hold their office for one year, and until others are elected to fill their places.

§ 2. An election shall be held annually on the first Monday in April, for the election of officers of said village, and shall be held at the place in said village where the next preceding annual town meeting was held, and be conducted in the manner now required by law, but it shall not be necessary to give any notice of such election. At such election, no vote shall be taken or resolution passed to raise moneys by tax or otherwise, for any purpose; such moneys shall be voted to be raised only at a special meeting, called, notified, held and conducted in the manner now provided by law.

§ 3. This act shall take effect immediately.

Chap. 57.

AN ACT to authorize the trustees of the village of Binghamton to raise money by special tax.

Passed March 26, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Binghamton are hereby authorized to order a special election to be held in said village at any time during the year 1863, at which the question whether the sum of eighteen hundred dollars (\$1,800) shall be raised by special tax, for the purchase of hose for the fire department of said village, shall be submitted to the qualified electors for their determination.

§ 2. Said special election shall be held in accordance with the provisions of title eleven of the charter of the village of Binghamton, and the qualification of electors shall be the same as required by section four of said title.

§ 3. If it shall appear that a majority of the votes cast at such special election were "for special tax," the said trustees shall cause the said sum of eighteen hundred dollars (\$1,800) to be raised by tax for the purpose herein mentioned, in addition to the moneys otherwise authorized to be raised, and said special tax shall be added to the general tax roll of said village, and imposed and collected therewith, and by the same power and authority.

§ 4. This act shall take effect immediately.

Chap. 58.

AN ACT extending the time for levying and collecting taxes in the county of Lewis.

Passed March 26, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Lewis may, at any time before the first day of March,

eighteen hundred and sixty-three, levy the annual taxes to be raised in said county for the year eighteen hundred and sixty-two, and deliver to the collectors of the several towns in said county, warrants for collecting the same.

§ 2. The collectors of the several towns in said county shall return their warrants, and pay the sums collected thereon, to the treasurer of said county, on or before the fifteenth day of June, eighteen hundred and sixty-three.

§ 3. This act shall take effect immediately.

Chap. 59.

AN ACT for the incorporation of the Trustees of the Parochial Fund of the Protestant Episcopal Church, in the diocese of Western New York.

Passed March 26, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Ward Hunt, George H. Mumford, William B. Douglass, Alexander L. Chew, Edgar H. Hurd, Russell H. Heywood, and their successors, are hereby constituted a body corporate, under the title of the "Trustees of the Parochial Fund of the Protestant Episcopal Church, in the diocese of Western New York."

Trustees.

§ 2. The affairs of the said corporation shall be managed by a board of six trustees, and the persons named in the first section of this act shall be the first trustees of the said corporation.

Divided
into classes.

§ 3. The said trustees shall be divided by lot in three classes. The term of the first class shall expire on the first day of September, eighteen hundred and sixty-three; the term of the second class shall expire on the first day of September following; the term of the third class shall expire on the first day of September thence ensuing. The vacancies in the said classes shall be filled as they occur, by two laymen, who shall be elected by ballot by the convention of the said diocese, at its regular annual meeting in each year; the trustees so to be elected shall hold the said office for three years from the expiration of the term of their predecessors. The acting bishop of the diocese shall be, ex officio, a member of the board of trustees.

The bishop
a trustee.

§ 4. The said trustees are authorized to receive and hold, by deed, conveyance, or last will and testament, for the creation and accumulation of said fund, real and personal estate, to such an amount that the annual income accruing therefrom shall not exceed thirty thousand dollars. The said fund shall be devoted in part to the assistance and support of officiating ministers of the said church, engaged in parochial duty within the said diocese, and this portion of the fund shall be called "Fund for clerical support;" and in part to the purchase of glebes, and the erection of parsonages within the limits of organized parishes in the said diocese, in communion with the said church, and which shall be called "Fund for parsonage aid." All real or personal property conveyed, devised or given to the said trustees, without specification as to the appropriation thereof, shall be devoted equally to the two purposes; but all donors to the fund, by gift or devise, may specify whether the same is to be appropriated for "clerical support" or for "parsonage aid," and a separate account shall be kept of the portions of the fund devoted to these purposes.

Trustees may hold real and personal property.

§ 5. In the distribution of these funds, regard shall be had by the trustees, in the exercise of a sound discretion, to the equal necessities of the ministers of the parishes applying for the same, without prejudice or favor.

Distribution of funds.

§ 6. For the purpose of distributing such funds, the said trustees shall meet on the first Monday of August of each year, or at such other time as they may appoint, and after determining the amounts of money to be distributed for the ensuing year, they shall consider the applications for assistance which may then have been received; such applications shall be in writing, signed either by the minister or by order of the vestry of the parish, and shall state the facts essential to a full understanding of the necessity of the case, and particularly the amounts already contributed or secured toward the support of the minister, or for the erection of a parsonage, as the case may be. The said application shall be separately considered by the trustees, and a minute made of their decision thereon, together with a statement of the reason for refusing the same, if the application be rejected. In no case shall the amount awarded from the funds be more than one-half of the amount already contributed or secured, as

Trustees to meet therefor.

may satisfactorily appear by the written application ; and in making grants from the fund in aid of parsonages, in no case shall any moneys be paid from the same fund, except on assurances satisfactory to the trustees that all the remaining moneys necessary to the purchase of a glebe or erection of a parsonage, are secured, and that no debt or incumbrance will remain thereon.

Trustees to
report.

§ 7. The trustees shall make an annual report to the diocesan convention, at their regular meeting, of the state of the fund ; of all applications for assistance therefrom, of the grants made, with the conditions, if any, attached thereto, and of the applications which have been refused, and the reasons for the refusal thereof ; and a duplicate copy of such report shall also be rendered annually to the comptroller of the state.

Further
power of
trustees.

§ 8. The said trustees are further authorized to receive, by donations or devise, moneys and land, devoted by the giver to the purposes of clerical support, parsonage aid in particular parishes, and parochial and theological schools and missions, within the said diocese, and they shall hold and apply the same in strict accordance with the condition attached to any such donation or devise ; if not incompatible with the laws of this state. And in cases where the bishop of the diocese has been heretofore, or shall be hereafter, made a testamentary trustee for any of the purposes contemplated by this act, he shall have the right to surrender the said trust to the trustees of this fund at will, and in case of his not doing so before his death, the said testamentary trust shall enure on his death, to the trustees of this fund subject to all the conditions prescribed by the donor ; but the annual income accruing from the property said trustees are allowed to hold by virtue of this section, and of section four, shall not exceed thirty thousand dollars in the aggregate.

Disposition
of trust
fund.

§ 9. This act shall take effect immediately.

Chap. 60.

AN ACT to amend an act entitled "An act to incorporate the United States Trust Company of New York," passed April twelfth, eighteen hundred and fifty-three.

Passed March 31, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The United States Trust Company of New York, in addition to the powers enumerated in the second section of its charter, may take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate, on trusts created in accordance with the laws of this state, and execute such trusts in regard to the same, on such terms as may be declared, established, or agreed upon in regard thereto.

§ 2. The trustees of the said company may at any time, or from time to time, with the concurrence of two-thirds of their number, increase the capital stock of the said company to such amount as they may deem proper, the whole, however, not to exceed in all, with the present capital, two millions of dollars, which increased stock shall be subscribed for, allotted and distributed in such manner, and under such regulations as the board of trustees of the said company may prescribe.

§ 3. As soon as any such increase of capital shall have been made, the said company shall give notice thereof to the comptroller of this state, and to the comptroller of the city and county of New York, and thereafter the amount of money which the said company shall have in trust, in deposit or on loan, and the amount of its outstanding loans as authorized by its charter, may be increased in the proportion which the increase of its capital stock, thus made, shall bear to the original capital stock thereof.

§ 4. The powers of the said company are hereby declared to authorize it to act, and it may act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidences of debt,

of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

§ 5. This act shall take effect immediately.

Chap. 61.

AN ACT to erect election district number five in the town of Watervliet, in the election of town officers, and that said district shall also be the tenth election district in said town for all general elections.

Passed March 31, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Boundaries
of district.

SECTION 1. All that portion of the town of Watervliet, lying within the following boundaries, viz.: beginning at the school house of school district number nineteen, in said town, on the Sand Creek road, and running thence along said road west through the farm of Nehemiah Smith to the Albany city boundary line; thence east following the said city line to the Hudson river; thence north along the Hudson river to a point due east from and opposite to lock number two on the Erie canal; thence westerly so as to strike the north line of the farm now occupied by John Ferris; thence along the line of said farm to the Albany and Shaker plank road; thence westerly through the centre of said road to the Cramer road; thence along the centre of said road to the said school house, the place of beginning, being composed of parts of general election districts numbers one and six in said town, is hereby established and declared a separate election district of said town, and shall be so regarded in the holding of elections in said town for the election of all town and general officers required by law to be elected by ballot, and shall be designated as town election district number five and general election district number ten.

Inspectors
of election.

§ 2. Owen Duffy, Mark Patten and Patrick Lamb are hereby appointed to be inspectors of election, at the polls to be held in the district created by this act, at the elec-

tion of officers in said town, to be held in the month of April, eighteen hundred and sixty-three; and the house of Thomas Hayes, at North Albany, is hereby designated as the place of holding the said election, and for all general elections to be held in said district the inspectors shall be elected and the place of holding the polls designated in the usual manner.

§ 3. All subsequent elections shall be appointed, to be held alternately in said district, at the places called West Albany and North Albany.

Places of election.

§ 4. The town clerk shall, within three days after the passage of this act, put up a notice, in at least four public places in said district, containing the bounds of said district, the names of the inspectors and the place of holding the election in April next, as specified herein.

Duty of town clerk.

§ 5. The inspectors hereby appointed shall have the same powers, receive the same compensation, and shall proceed in the same manner as is specified in "An act to enable the electors of the town of Watervliet to vote by districts for the election of town officers," passed March sixth, eighteen hundred and fifty-eight, by the legislature of this state; and nothing in this act contained shall be so construed as to restrain the supervisor, assessors and town clerk from making such alteration in the said election district as they shall deem necessary or expedient, at any of their meetings, at which they are authorized by the aforementioned act to alter the election districts of said town.

Powers and compensation of inspectors.

Saving clause.

§ 6. At all elections in said town, subsequent to the one herein specified, inspectors for said district, and the place of holding the election therein, shall be appointed, and all proceedings connected therewith shall be had subject to and in accordance with the aforementioned act of the legislature, passed March sixth, eighteen hundred and fifty-eight.

Act of March 6, 1858.

§ 7. This act shall take effect immediately.

Chap. 62.

AN ACT to amend the charter of the Republic Fire Insurance Company.

Passed March 31, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first paragraph of section five of the charter of the Republic Fire Insurance company is hereby amended so as to read as follows :

The corporate powers of said company shall be exercised by not less than sixteen nor more than thirty-two trustees, each of whom shall be a holder of at least ten shares of the capital stock ; and seven of them shall be a quorum at meetings of the board, and capable of transacting business.

The fifth paragraph of the same section is hereby amended to read as follows :

An election for one-fourth of the entire number of the trustees, who shall hold their offices for four years, or until others are elected in their stead, shall be held on the second Thursday of April, eighteen hundred and sixty-three, and annually thereafter.

§ 2. Section ten is hereby amended so as to read as follows :

Immediately after the termination of each fiscal year for which a cash dividend or dividends shall have been declared, by which a sum equal to seven per cent per annum from the commencement of business by said corporation, shall have become payable to the stockholders as aforesaid, the board of trustees shall ascertain the amount of the balance of interest and profits which will remain on hand after paying the dividend or dividends so declared ; and shall pay in cash one-fifth part of such balance to the stockholders of said corporation, in proportion to the amount of stock held by each. For the remaining four-fifths of such balance of profits, they shall issue certificates to such persons as shall, within the preceding fiscal year, have held a participating policy or policies issued by said corporation, and which shall then have expired, in proportion to the amount of pre-

mium paid by each. All the certificates so to be issued shall bear such an interest payable annually, as the business of each succeeding year will warrant and as the trustees may deem expedient, not exceeding six per cent per annum, and be redeemable as hereinafter provided. No certificate shall be issued to any policy holder for a less sum than five dollars; and each certificate which shall be issued for a larger sum shall only be for an exact multiple of five dollars; all fractional parts of five dollars, which would otherwise have been included in the sums for which such certificates would have been issued, shall be passed to the credit of said corporation. Such certificate shall only be transferable on the books of said corporation under regulations to be prescribed by the by-laws, and shall contain a provision declaring the same subject to be reduced by the board of trustees, to meet losses or expenses on any subsequent year; and whenever it shall be necessary to reduce the scrip of the said company to pay the losses and expenses of any subsequent year, the scrip originally granted to the insured, shall be first reduced and exhausted before recourse shall be had to the scrip granted to the stockholders of the company.

Chap. 63.

AN ACT to extend the operation and effect of the act passed February seventeen, eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes."

Passed March 31, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any three or more persons may organize themselves into a corporation, in the manner specified and required in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeen, eighteen hundred and forty-eight, for the purpose of bottling and selling mineral water drawn from any natural mineral spring.

§ 2. Every corporation so formed shall be subject to all the provisions, duties and obligations contained in the above mentioned act, and shall be entitled to all the benefits and privileges thereby conferred.

Chap. 64.

AN ACT to provide for raising money in the town of Louisville, St. Lawrence county, to purchase and pay for a bridge across Grass river, at Chase's mills in said town.

Passed March 31, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the county of St. Lawrence are authorized and required, at their next annual meeting, to cause to be levied and collected upon the town of Louisville, in said county, in like manner as other town charges are by law directed to be levied and collected, the sum of four hundred seventy-two dollars and ten cents, for the purpose of purchasing and paying for a bridge across Grass river, at Chase's mills in said town.

§ 2. The collector of said town shall pay over the said moneys when collected, to the commissioners of highways of said town, who shall immediately apply the same to the payment of the purchase money of a bridge across Grass river, at Chase's mills in said town, which shall then and thereafter belong to said town.

Chap. 65.

AN ACT to authorize the city of Syracuse to borrow money and to issue the bonds of the city.

Passed March 31, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Syracuse is hereby authorized to borrow, from time to time, a sum not exceeding in all twenty thousand dollars, to

aid in the support of the families of volunteers, residing in said city, and to issue therefor the bonds of the city, payable in annual installments of not less than five thousand dollars each, commencing January first, eighteen hundred and seventy-five, with semi-annual interest, at a rate not to exceed seven per cent per annum.

§ 2. The loan of five thousand dollars, heretofore made to said city by the Onondaga county savings bank, for the purpose mentioned in the first section of this act, is hereby legalized, and shall form a part of said twenty thousand dollars, authorized to be borrowed by said city, and the bonds of said city may be issued therefor.

§ 3. The said common council is hereby authorized to issue the bonds of said city to the amount of thirty thousand dollars, for the redemption of the bonds of said city now outstanding, payable in annual installments of not less than five thousand dollars each, commencing January first, eighteen hundred and seventy-nine, with semi-annual interest at a rate not exceeding seven per cent per annum.

§ 4. This act shall take effect immediately.

Chap. 66.

AN ACT in relation to the City court of Brooklyn.

Passed March 31, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second section of the act entitled "An act to establish courts of civil and criminal jurisdiction in the city of Brooklyn," passed March twenty-fourth, eighteen hundred and forty-nine, is hereby amended by striking out of the first paragraph the words "alone or in case of his absence, inability to attend, or vacancy in said office, the mayor and any two aldermen of said city." and adding the following subdivision, viz.:

4. To actions for the partition of the real estate of infants, in which actions the said court shall have the same jurisdiction as is given to the supreme court by section one of chapter two hundred and seventy-seven of the Laws of eighteen hundred and fifty-two, when the

Partition.

real estate of said infants shall be situated within the said city.

§ 2. The third section of the said act is hereby amended so as to read as follows:

Terms of
court.

§ 3. The said court shall be held once in each month, and shall commence on the first Monday thereof, and may be continued for four weeks. Each term of said court shall be deemed to be open from the commencement thereof to and including the fourth Saturday thereof, unless adjourned by the court. In case of the absence of the city judge from the said court on any day whereon the same shall be appointed to be held, or to which the same shall have been adjourned, the clerk of said court shall and may, after the hour of two o'clock in the afternoon of such day, open said court and adjourn the same until ten o'clock in the forenoon of the next day whereon the said court can lawfully be held, and all process and other proceedings shall be continued accordingly; but nothing herein contained shall be construed to authorize such adjournment by the clerk on any day whereon the same shall be appointed to be held as a court of criminal jurisdiction.

§ 3. The seventh section of the said act as amended by an act entitled "An act to amend, 'An act to establish courts of civil and criminal jurisdiction in the city of Brooklyn,' passed March twenty-fourth, eighteen hundred and forty-nine," passed March twenty-eighth, eighteen hundred and fifty, is hereby amended so as to read as follows:

Clerk of
court.

§ 7. There shall be a clerk of said court, to be appointed by said court, and he shall have power to take acknowledgment of satisfaction of judgments in said court, to be recorded in any county in which such judgments may be docketed. He shall receive the same fees for his services in civil cases, as are provided for similar services by the county clerk, and shall pay such fees to the county treasurer of the county of Kings. All fines which shall be received by the said clerk shall be paid by him to the said county treasurer.

§ 4. The eighth section of the first mentioned act as amended by the said act, passed March twenty-eighth, eighteen hundred and fifty, is hereby further amended so as to read as follows:

§ 8. The said clerk shall be paid by the said county treasurer, in quarterly payments, an annual salary of two thousand dollars. He shall appoint a deputy who shall, in the absence of the clerk from his office or from the court, possess all the powers and perform all the duties of the clerk, and who shall be paid by the said county treasurer in quarterly payments, an annual salary of one thousand dollars. The said clerk shall and may charge and receive the value of all stamps, which, by the laws of the United States, may be required to be affixed to instruments, documents, or papers of any kind whatsoever made, signed or issued, or caused to be made, signed or issued by him, in addition to the fees now allowed by law to be received by him; and the said clerk and his deputy shall be, ex officio, commissioners of deeds for the said city.

Pay of
Clerk.

§ 5. The tenth section of the said first mentioned act as amended by the said act passed March twenty-eighth, eighteen hundred and fifty, is hereby further amended so as to read as follows:

§ 10. The said city court shall be held, and the office of the clerk thereof shall be kept in the city hall, in the city of Brooklyn, or at such other place as shall from time to time be provided for that purpose by the supervisors of the county of Kings; and the said supervisors shall at the expense of said county, furnish and provide all apartments, accommodations, books and stationery necessary for the said court and clerk. The office of the said clerk shall be kept open for the transaction of business every day in the year except Sundays, the days annually observed as Christmas and New Years, the twenty-second day of February, the day or days appointed or recommended by the governor of this state, or by the president of the United States, as a day or days of fast or thanksgiving, the anniversary of American Independence, and any day or days whereon any general or special election shall be held in said city, from nine o'clock in the forenoon to four o'clock in the afternoon, and said office need not be kept open at any other time.

Place of
holding
court and
location of
clerk's
office.

§ 6. The twenty-fifth section of the said first mentioned act is hereby amended so as to read as follows:

§ 25. The whole expenses of said court shall be a county charge, and shall be paid by the supervisors in the same

Expense a
county
charge.

manner as other county charges are now allowed and paid.

§ 7. This act shall take effect immediately.

Chap. 67.

AN ACT to provide for the payment of the damages and expenses of the regrading and repaving of Flatbush avenue in the city of Brooklyn.

Passed April 1, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ninety-four thousand seven hundred and fifty-four dollars and six cents, balance of damages and expenses for the regrading and repaving of Flatbush avenue, as shown by the report of the commissioners thereon, shall be levied and collected in the taxes of and for the year eighteen hundred and sixty-four, upon the property in the first twelve wards of the city of Brooklyn, and the joint board of aldermen and supervisors of said city are hereby required to include the same in the taxes of said year, and the comptroller of the city of Brooklyn is hereby required to issue certificates of indebtedness for said balance, to the several parties to whom the same may become due, payable when the said moneys shall be collected and in the city treasury. Said certificates shall be countersigned by the city clerk, and shall bear interest at the rate of seven per cent per annum.

Chap. 68.

AN ACT relative to the charter of the city of New York.

Passed April 3, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of office of the several heads of departments of the corporation of the city of New

York, holding office by appointment under the charter of the said city, shall hereafter be four years and until their successors have been duly appointed and qualified. The several heads of departments of said corporation, now in office by appointment under said charter, shall hold office for four years from the dates of their respective appointments and until their successors have been duly appointed and qualified, except the present chief officers of the Croton aqueduct board, who shall continue to hold their offices for four years from the date of the appointment of the present assistant commissioner of said board and until their successors shall have been duly appointed and qualified. Such heads of departments shall hereafter be subject to removal from office only for the causes and in the manner now provided by law for the removal of the comptroller of said city.

§ 2. This act shall take effect immediately.

Chap. 69.

AN ACT to erect a Union School District in the village of Watkins, and to create a board of education therein, with power of taxation, and other powers, for school purposes.

Passed April 3, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that part of the county of Schuyler; District. including the village of Watkins, comprised within and embracing the territory known as school district number one, of Dix and Reading, in said county, shall hereafter, for the purposes named in this act, form a school district which shall be called "The Watkins Union School District."

§ 2. The board of education hereinafter created, shall Boundaries, how changed. have power, by resolution of said board, to alter and change the boundaries of said district by and with the written consent of the school commissioner of Schuyler county.

§ 3. The following named persons, to wit: Simeon L. Corporators and term of office. Rood, Duncan S. Magee, Daniel Howard, Rev. F. S.

Howe, Frederick Davis, jr, and Tyler H. Abbey, together, with George G. Freer, Orlando Hurd and Marcus M. Cass, (the three persons last named being the trustees of the existing Watkins' academy fund, so called, left by bequest of Mrs. C. A. Freer, deceased), so long as they may respectively choose to act, and their successors to be chosen as hereinafter provided, are hereby constituted a corporation by the name of "The board of education for the village of Watkins." The three persons first named in this section, shall hold their office until the first Monday of January, one thousand eight hundred and sixty-four, the three persons next named shall hold their office until the first Monday of January, one thousand eight hundred and sixty-five, and whenever a vacancy or vacancies shall occur in the case of one or more of the third class or remaining three persons last named in this section, their place or places shall be filled in the same manner as is provided in the last will and testament of Mrs. C. A. Freer, deceased, or according to law in the cases contemplated by said will.

Trustees,
and term of
office.

§ 4. The term of office of the trustees to be elected under the provisions of this act, shall be three years from the first Monday of January next succeeding their election, and until their successors shall enter upon the discharge of the duties of their offices respectively. The annual meeting of the electors of said district shall be held on the first Monday of October in each year, at such time and place in said district as the board of education shall previously appoint. The president of the board, or in his absence the president for the time being, shall preside, and the district clerk, or in his absence the clerk for the time being, shall act as secretary thereof.

Id.

§ 5. At the annual meeting, in the year one thousand eight hundred and sixty-four, three trustees shall be elected to fill the places of the three persons first named in the third section of this act. The places of the next three shall be filled at the annual meeting in the year one thousand eight hundred and sixty-five, and annually thereafter, on the day above specified for the first election, there shall in like manner be elected three trustees, to fill the places of those whose terms of office shall next thereafter expire, as herein provided. Every officer elected under this act shall enter on the duties of his office on

the first Monday of January next succeeding his election. Within ten days after any such election, the clerk shall certify to the board of education the names of the officers so elected.

§ 6. Said board of education and their successors in office, shall be a corporate body in relation to all the powers and duties conferred upon them by virtue of this act, or of any law, and a majority of the board shall form a quorum.

§ 7. There shall annually be appointed by said board of education, a clerk, collector, librarian and treasurer of said union district, who shall each within ten days after receiving notice in writing of his appointment, and before entering upon the duties of his office, execute and deliver to said board of education a bond in such penalty and with such sureties as said board may require, conditioned for the faithful discharge of the duties of his office. In case such bond shall not be given within ten days after receiving such notice, such office shall thereby become vacated, and said board of education shall thereupon make an appointment to supply such vacancy.

Officers
to be ap-
pointed.

§ 8. Notices for annual elections and all other meetings of said district shall be given by said board of education at least ten days before such election or meeting, by publishing such notice once in each of the newspapers printed in the village of Watkins, and by posting the same on the door of each school house in said district.

Notice of
meetings.

§ 9. In case any member of said board of education shall neglect or refuse to perform the duties of his office, or shall remove his residence beyond the boundaries of said district, or his place become vacant by any other incapacity, or by his resignation, or by death before the expiration of his term of office, said board shall make an appointment to fill such vacancy for the unexpired term, except as to the three trustees named in the said will.

Vacancies.

§ 10. Said board of education shall possess all the powers and rights and be subject to all the duties in respect to said district, and all the schools under their charge, that the trustees of common schools now have or may possess or be subject to, and such other powers and duties as are given or imposed by law. The clerk, collector and librarian of said district shall possess all the powers and be subject to all the duties in respect to said

Powers of
board, &c.

district, that like officers of common schools now have or may possess or be subject to, and such other powers and duties as are or may be given or imposed by law.

Title to property.

§ 11. From and after the first meeting of the board of education under this act, the office of trustee, librarian and collector in each of the school districts included within the limits of the said union school district shall be abolished, and the title of the property of the said school district and of the said union district, real and personal, shall from thenceforth become the property of and be vested in the said board of education in its corporate capacity, as created by this act; and said board shall settle all business of the several school districts and parts of districts in said union district, then remaining unsettled.

President to be chosen.

§ 12. The said board of education shall, at its said first meeting, and annually thereafter at their meeting held next after the first Monday of January in each year, appoint one of their number president. The clerk of said union district shall act as secretary to said board. In the absence of either of said officers at any regular meeting of the board, a president and secretary may be appointed for the time being.

Clerk to keep record

§ 13. The said clerk, in addition to such other duties as are or may be imposed on him by law or required of him by the board, shall keep a record of the proceedings of said board of education, which record or a transcript thereof, certified by the president and secretary, shall be received in all courts and for all purposes as a presumptive evidence of the facts therein set forth.

Authority of board.

§ 14. The said board of education shall have power and it shall be their duty:

1. To establish and organize a classical school in the village of Watkins, to be known by the name of "The Watkins Academy," which school shall be subject to the visitation of the regents of the university of this state, and to all laws and regulations applicable to the incorporated academies thereof, and shall be entitled to all the privileges of such academies, and to share in the distribution of the moneys of the literature fund of this state as the academies thereof.

2. To establish and organize such and so many primary schools in said district, including for that purpose the

common schools therein, as they shall deem requisite and expedient; and to alter and discontinue, or change and consolidate the same.

3. To build, purchase or hire school houses, rooms, lots or sites for school houses, and to fence, improve, adorn and repair the same as they may think proper. And the said board of education may by consent of the said trustees of the said will of Mrs C. A. Freer occupy and use for the purposes of this act, the building and lands and school apparatus and fixtures provided by the said trustees under the said will, in the academy now existing in the said village of Watkins.

4. Upon such lots or sites and upon any lot or site now owned by any school district within the limits of said union district erected by this act, to build, enlarge, alter, improve, adorn and repair school houses, out houses and appurtenances, as they may deem advisable.

5. And the said board of education may take from the said trustees of the said will, a lease or conveyance of the said building and lands and apparatus and fixtures, and may enlarge, alter, improve, adorn, add to, and repair, the same. And they may take and receive from the trustees of the said will an assignment or transfer of any or all the funds and property resulting from said bequest, which when received they shall apply to the purposes of this act, either directly or by investing the same and using the income thereof for such purposes. But the power conferred by this section shall not be used or exercised in any manner inconsistent with the provisions of said will.

6. To purchase, exchange, improve and repair school apparatus, globes, maps, furniture and appendages, books for indigent pupils and for the school library, to provide fuel and lights and defray the contingent expenses of the schools of the board, the library, and the salary of the librarian and clerk.

7. To have the custody and safe keeping of the school houses, out houses and all the real and personal property of the said union school district and primary schools, and see that the ordinances and by-laws of said board in relation thereto be observed.

8. To contract with and employ all teachers in any of the schools under their charge, and in all branches

and departments thereof, and at their pleasure to remove them.

9. To pay the wages of such teachers out of the public moneys and tuition fees received by them, and the deficiency, if any, out of the moneys to be raised by tax for general purposes of education under this act.

10. To fix the ratio of tuition fees in said academy, if any shall be charged, and to designate some person or persons to whom the same may be paid previous to issuing the warrant for the collection thereof, and by a resolution of said board, to be recorded by the secretary, to exempt from the whole or any part of the tuition fees such persons as they may deem entitled to such exemption from indigence or any other sufficient cause, and to graduate such tuition fees according to the branches of instruction pursued.

11. To make out a rate bill as often as they shall deem proper, containing the name of each person liable to pay tuition fees for tuition in said academy, who shall not have paid the same prior to making out such rate bill, and the amount for which such person is liable, adding thereto a sum not exceeding five cents on each dollar for collectors' fees (which fees shall be fixed by said board at the time of making out every rate bill), to annex thereto a warrant for the collection thereof, to be signed by the president of said board or a majority of the members thereof and deliver the same to the collector, who shall collect the same in the same manner as collectors of school districts are by law authorized and required to execute like warrants issued by the trustees of common school districts, and who in the execution of the same shall be under the same protection, possess all the powers, and be subject to all the duties as such collectors may have or possess and be subject to, in respect to like warrants.

12. To have in all respects the superintendence, supervision, management and control of all the schools mentioned or contemplated in and by the provisions of this act, to prescribe the course of studies therein, the books to be used, and establish a uniformity in respect to such course of study and books; from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules, regulations and ordinances for the organization, gov-

ernment and instruction of such schools, for the reception of pupils and their transfer from one school to another, for the expulsion of any pupil from any of said schools for misconduct, for the promotion of morals and good order in said schools, their prosperity and public utility, for the protection, safe keeping, care and preservation of school houses, lots, sites, fences, ornamental trees and shrubbery and appurtenances and all other property connected with or appertaining to such schools; and to cause such rules, regulations, ordinances and by-laws to be printed and published in such manner as they may deem best calculated to give general information.

§ 15. The said board of education shall forthwith employ a sufficient number of teachers, who shall be well qualified, and cause a school to be commenced called "The Watkins Academy," in which shall be taught the higher branches of education; and when, in their opinion, the welfare of said academy shall require it, shall procure a suitable lot, so situated as best to accommodate the whole of said union district, so far as practicable, and procure a clear title thereof, to be vested by deed in said board of education, to cause said lot to be properly graded, fenced, planted with trees, and otherwise properly improved; to erect thereon a suitable and proper building or buildings and necessary outhouses; to furnish the same with all proper, useful and necessary furniture, apparatus and appendages. All the other schools excepting private schools in said union district, including the common schools therein, and which shall be under the charge of the board of education, shall be known as primary schools, in which no tuition fee shall be charged, nor any rate bill made out, but the same shall be free schools. The said primary schools shall be used as preparatory schools, for the instruction of children, until they arrive at a certain age, or attain a certain proficiency in learning, who shall then be transferred, upon proper testimonials, into the academy aforesaid. the age, qualifications and testimonials to be prescribed by the by-laws, rules and regulations of the board of education.

Authority
of board.

§ 16. The said board of education shall have power, and it shall be their duty to raise, from time to time, by tax upon all the real and personal estate within the bounds of said union district, which shall be liable to

Raising
money re-
gulated.

taxation for town and county charges, such sums of money as may be determined by resolution of said board to be necessary for any and all the purposes mentioned in this act, or to meet any deficiency connected with the subject of education in said district, to provide for which, power shall be given to the said board by the provisions of this act, or any law relating to common schools, or the rules and regulations of the superintendent of public instruction. Said board of education shall, at the commencement of each year, make an estimate by the best means in their power, of the amount of money which will be needed for all the purposes of education, and other purposes provided for by this act, over and above the public money and moneys to be received from the other sources, if any, and shall cause the same to be raised by one assessment or warrant, and not more than two taxes for such purposes shall ever be raised in one year. For the collection of such taxes the board of education may employ the village or town collector, at their discretion. The said board of education shall not have power to raise by tax, in any one year, for the purpose of this act, any further or greater sum than one thousand dollars unless they shall be authorized to do so by a vote of a meeting of the persons qualified to vote in said union district for school district taxes, at an annual meeting of the said district, or at a special meeting of the inhabitants, to be called by the board of education for that purpose.

Raising
moneys
regulated.

§ 17. For the purpose of carrying into effect the provisions of section fifteen of this act, the said board of education shall, as soon as practicable, make an estimate of the money which will, in their opinion, be necessary therefor, and shall assess, levy and collect the same, by tax upon the real and personal estate, as specified in section sixteen of this act; and no such tax shall be laid unless by a vote of the tax payers of the district, at a meeting duly notified for that purpose. They shall, for this and all other taxes raised by them, make out a list, in the manner and form in which tax lists are required to be made by trustees of school districts, so far as such form is applicable, annex thereto a warrant in like form, signed by the president or a majority of the members of the said board, and deliver the same to the collector, which, when so made and signed, shall be as effectual, to

all intents and purposes, as like tax lists and warrants when made by the trustees of the common school districts. Said board may, in respect to the collection of taxes, conform to the provisions of the twenty-ninth, thirtieth and thirty-first sections of chapter one hundred and eighty of session laws of one thousand eight hundred and forty-five, and require the collector to comply with the provisions of said section so far as the same are applicable. Said board may make their warrants returnable at discretion, not less than thirty days, nor more than ninety days from the issuing thereof. The said board may assess, levy and collect the amount of taxes to be raised under this section, in not less than three annual installments.

§ 18. All moneys to be raised by virtue of this act, and all moneys by law appropriated to or provided for said district, shall be paid to the treasurer of said board, who together with the sureties on his official bond, shall be accountable therefor to the said board of education; said treasurer shall not pay out any of such moneys except by resolution of said board, and upon an order drawn by the president and certified by the secretary to be so drawn in pursuance of such resolution.

Treasurer.

§ 19. Special meetings of the board of education may be called by the president, or in his absence or inability to act, by the secretary or any member of said board, as often as necessary, by giving personal notice to each member of the board, or causing a written or printed notice to be left at his place of residence at least twenty-four hours before the hour for such special meeting. No member of said board shall receive any pay or compensation for his services.

Special meetings.

§ 20. The said board of education shall annually make a like report in all respects as required from trustees of common school districts to the school commissioner. Such report shall be received by the school commissioner instead of the reports now made by trustees of the school districts included in said union district. The supervisors of the several towns from which the said union district is taken, shall, in making their apportionment of school or library moneys, allot to said union district its proportion of said moneys according to law, regulating its apportionment to districts formed out of two or more towns, and

Board to report to school commissioner.

the report of its board of education shall be regarded as the reports of its trustees. All such sums shall be paid by said supervisors to the treasurer of said board of education at the same time and in the same manner as to trustees of school districts. A copy of the reports of said board of education shall be filed with the clerk or secretary of the board. The board of education shall, at the close of each year, publish in one or more of the village newspapers a report of the moneys received and expended by them during the year, showing the sources from whence received, and the objects of expenditure.

Sale of property.

§ 21. Whenever in the opinion of said board, a sale or exchange of any primary school house or house and lot would be proper, said board may cause such sale or exchange to be made, and may buy a new site or may at any time build a new house for the accommodation of any portion of said district, when authorized thereto by a vote of the tax-payers of said union district, to be called together as herein provided.

Exemption from taxation.

§ 22. All the school property of said board of education, real and personal, while used for and appropriated to school purposes, shall be exempt from all taxes and assessments, and shall not be liable to be levied upon or sold by virtue of any warrant or execution. Said board of education, in their corporate capacity, shall be able to take, hold and dispose of any real or personal estate, transferred to it by gift, grant, bequest or devise for the use of said district or any schools under their charge. Said board shall not have power to sell, grant, dispose of or encumber said academy school lots. No portion of the library money paid to said board of education shall be expended for teachers' wages, but shall be appropriated exclusively for the increase and benefit of the library.

Lands in district subject to taxation.

§ 23. All the lands included in the bounds of said union district shall be subject to taxation therein under this act, without regard to the residence of the owners thereof, and the board of education may cause them to be returned to the county treasurer in the same manner as trustees of common schools are authorized to return unoccupied and unimproved real estate of non-residents of their districts for unpaid taxes assessed thereon. Said county treasurer shall pay to said board the amount of

such taxes out of any moneys in the county treasury not otherwise specifically appropriated, and such proceedings in all respects shall thereupon be had in relation to such taxes and lands as required by law in relation to such lands, when so returned by trustees of common school districts.

§ 24. The said board of education may permit children of persons not resident within said union district, to attend any school in said union district on such terms as they may prescribe; and said board may, in their corporate name, sue for and recover of the persons liable therefor, all such sums as shall be prescribed, with costs of suit.

Children of persons not residents.

§ 25. The taxes imposed by the provisions of this act, shall be a lien upon the lands taxed, to be enforced and collected by sale in the manner that county taxes are upon a return to be made by the collector to the treasurer of the county of all unpaid taxes in said district.

Taxes, a lien on lands.

§ 26. Whenever any officer of the said union district, or of the said board of education, shall have paid any moneys in or about the prosecution or defense of any suit commenced by or against him, in the discharge of the duties of his office, or for acts done by color thereof, it shall be the duty of said board of education, unless it shall appear to them that the same were paid in consequence of the willful neglect or misconduct of the claimant, to ascertain the amount thereof by the best means in their power, and to cause the same to be assessed upon and collected of the taxable inhabitants of said district, in addition to the sums authorized to be raised for school purposes in said district by this act, and when so collected to pay over the same to the person entitled thereto by virtue of this act.

Moneys paid in certain suits to be repaid.

§ 27. The provisions of sections twenty-two, twenty-three, twenty-four, twenty-five and twenty-eight, of chapter one hundred and twenty-nine, and of section three, chapter one hundred and eighty, Laws of eighteen hundred and fifty-six; shall apply to and form a part of this act.

§ 28. This act shall take effect immediately.

Chap. 70.

AN ACT to facilitate the construction of the Albany and Susquehanna Railroad.

Passed April 3, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the Albany and Susquehanna Railroad Company shall duly prove to the comptroller of this state, that they have expended at least one million of dollars, in the construction and equipment of said road, and in good faith put the same into operation forty miles from the city of Albany, through a portion of the county of Schenectady, to the town of Cobleskill, in the county of Schoharie, the treasurer of the state is hereby authorized and required to pay to the treasurer of the said company the sum of two hundred and fifty thousand dollars: and it is further provided, that whenever the said company shall in like manner prove to the comptroller of this state, that they have in good faith put the said road in operation another forty miles, to the town of Oneonta, in the county of Otsego, in all eighty miles from the city of Albany, the treasurer of the state is hereby authorized and required to pay to the treasurer of the said company the further sum of two hundred and fifty thousand dollars: which several sums are hereby appropriated (for public purposes,) to aid in the construction of the said Albany and Susquehanna railroad.

§ 2. There shall be imposed, for each of the fiscal years commencing on the first day of October, one thousand eight hundred and sixty-three, and one thousand eight hundred and sixty-four, a state tax of three-sixteenths of a mill, in each year, on each dollar of the valuation of the real and personal property of this state, to be assessed, levied and collected in the usual manner prescribed by law, for raising state taxes, to be paid by the several county treasurers into the treasury of this state, and to be held by the state treasurer for the special purpose designated by this act.

§ 3. The comptroller of this state is hereby authorized and required to draw his warrant upon the treasurer

thereof, for the said several sums hereby appropriated, to be paid as aforesaid, whenever the said conditions shall have been complied with on the part of said company (provided, however, that the last mentioned sum of two hundred and fifty thousand dollars shall not be payable during the next fiscal year); but in case the said company shall fail to comply with the said conditions within two years next after the passage of this act, the said moneys shall be applied to and for the uses of the general fund of this state; and if there shall be an overplus, after paying the said sums hereby appropriated, the same shall in like manner be applied to the general fund. The said moneys thus received by the said company, to be applied and used in the construction and equipment of said railroad, and for no other purpose whatever.

Chap. 71.

AN ACT to extend the time for the collection of taxes in the several towns in the county of Oneida, and in the city of Utica in said county.

Passed April 6, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any collector of taxes in any of the towns in the county of Oneida, and in the city of Utica, in said county, shall, within the time now provided by law, pay over all the moneys collected by him, and shall, within ten days thereafter, renew his bond to the satisfaction in towns of the supervisors, or in his absence or disability, of the town clerk and in said city in the manner in which collectors' bonds are now approved, to be expressed in writing upon or attached to such bond, and shall also within the time aforesaid, deliver to the county treasurer of said county, a certificate of the approval of such bond, signed by the officer making such approval, the time for the collection of taxes and making the returns thereof, shall be and the same is hereby extended to the fifteenth day of May next. The bonds so taken and approved shall be filed, and have the effect of a collector's bond in all respects, as provided by law.

§ 2. This act shall take effect immediately.

Chap. 72.

AN ACT to provide for the clearing out and completion of the Nine Mile creek feeder.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioner of the middle division of the canals of the State is hereby required, before the opening of canal navigation in the spring of eighteen hundred and sixty-three, to cause that portion of the Nine Mile creek feeder extending from the Erie canal to the mill race of the flouring mills in the village of Camillus to be so cleaned out and the bridge over the same so raised as to render said feeder at all times navigable by the boats navigating the enlarged Erie canal, in accordance with the provisions of the grant or release to the state of the lands, necessary for the construction of said feeder by the owners thereof, the expense thereof not exceeding the sum of three thousand dollars, to be paid out of moneys appropriated for repairs of canals on the middle division.

§ 2. This act shall take effect immediately.

Chap. 73.

AN ACT to amend an act entitled "An act authorizing a loan of certain moneys belonging to the United States, deposited with the State of New York for safe keeping," passed April fourth, eighteen hundred and thirty-seven, and to amend certain sections of the acts amendatory thereof.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-first of chapter one hundred and fifty of the laws of this State, passed in the year eighteen hundred and thirty-seven, is hereby amended by adding thereto the following:

Service of
notice of
foreclosure.

They shall also serve such advertisement at least fourteen days prior to the time therein specified for the sale, upon the mortgagor, or his personal representatives, or upon his executors or administrators, if any shall have been, at the day of the date of such advertisement, duly appointed by the proceedings of any court, and upon such persons as shall by the records of the office of the county clerk of the county in which said premises or any part thereof are situated, appear to be grantees, lessees or mortgagees of the said premises or of any part thereof, and whose conveyance, mortgage or other evidence of right or title shall be upon said records at the date of the first publication of the said advertisement, and upon all persons having a lien or incumbrance upon the said premises or upon any part thereof, by judgment or otherwise, subsequent to such mortgage, and which lien or incumbrance shall, on the day of the date of said advertisement, appear upon the records of the office of the county clerk of the county in which said premises or any part thereof are situated. Such service shall be made by delivering a copy of such advertisement personally to the person to be served or by leaving a copy of said advertisement at the dwelling house of the person to be served, in charge of some person then residing therein, who shall have attained the age of twenty-one years, or by enclosing and sealing the copy of such advertisement in an envelope and plainly addressing the said envelope, on the outside thereof, to the person to be served, by his name, as the same appears on said records, at the post office nearest to his last known place of residence, and by depositing the same so enclosed and sealed in the said envelope, in the post office nearest the residence of the commissioner or commissioners making such service, and by pre-paying the postage thereon; and when the service is made personally or by leaving at the dwelling house as aforesaid, the same shall be made at least fourteen days before the day of sale in such advertisement mentioned; and when the service is by depositing in the post office as aforesaid, the same shall be made at least twenty-eight days before the day of sale mentioned in the said advertisement.

§ 2. Section thirty-second of the said act is hereby amended so as to read as follows :

When to be
sold.

The said commissioners of the respective counties aforesaid shall, on the first Tuesday of February, yearly, expose the lands described in the mortgages foreclosed as aforesaid, to sale at public vendue, and upon such sale they shall convey the said lands to the highest bidder or bidders; and they shall also deliver to such bidder or bidders affidavits of the publication, fixing up and service of the said advertisement; and the purchaser or purchasers thereof shall, if the said advertisement shall have been published and fixed and served, as herein required, hold and enjoy such estate in the said lands as was conveyed to the said commissioners by the said mortgages, clearly and absolutely discharged of and from all benefit and equity of redemption, and all other liens or incumbrances made or suffered after the execution of such mortgage by the mortgagor, his heirs or assigns, and such purchaser or purchasers shall pay the commissioners for drawing and executing such conveyance, the sum of one dollar, and said affidavit of the publication of said advertisement shall be made by the publisher of the newspaper in which the same was inserted, or by his principal clerk, or by his foreman; and said affidavit of such service of such advertisement and of the fixing up of the same, shall be made by any person who made the service or who fixed up the said advertisement.

Costs and
disburse-
ments.

§ 3. The said commissioners shall be entitled to include in the expenses of the sale mentioned in the act hereby amended, the fees which they shall necessarily pay for searches of records in any office, and for the taking of said affidavits, and the sum of one dollar for the service of each and every advertisement served by them or in their behalf, in any one foreclosure; provided, however, that the cost of such service shall not in any one foreclosure exceed the sum of ten dollars.

Ib.

§ 4. The fifteenth section of the said act is hereby amended by inserting therein the words "and on account of the fees paid for searches and taking affidavits, and their compensation for serving said advertisements," immediately after the words "advertisements and sale," therein.

§ 5. Section nineteen of the said act is hereby amended so as to read as follows:

Upon every sale of lands the commissioners shall fill up the blanks in one of the loose sheets of blank mortgages to be provided, by them as in this act is directed, like to the original mortgage, and attest the same as a true copy, under their hands and seals, and deliver the same, together with the said affidavits and the deed herein mentioned, instead of the original mortgage, to the purchaser, as the evidence of his title.

Evidence
of title for
purchaser.

§ 6. Section twenty-third of said act is hereby amended so as to read as follows :

In all cases where a sale of lands shall be made in pursuance of the provisions of this act, and a vacancy shall exist in the office of one of the commissioners in the county when such sale shall be had, it shall be lawful for the remaining commissioner to execute a deed in pursuance of this act, for the lands so sold, and to fill up and deliver, attested under his hand and seal as a true copy one of the loose sheets of mortgages, in pursuance of section nineteen of this act, and also to deliver said affidavits, all of which shall have the same effect as if executed and done by two commissioners for such county.

When one
commis-
sioner may
convey.

§ 7. The thirty-third section of the said act is hereby amended by inserting therein the words, "and the fees paid for searches and for taking affidavits, and the compensation of the said commissioners for serving such advertisements," immediately after the words "the charges of advertising the same," therein.

§ 8. Section thirty-nine of said act is hereby amended so as to read as follows :

The money for which the mortgaged premises are sold shall, upon the sale thereof, be paid to the said commissioners, out of which they shall retain in their hands the amount of the principal then due on the said mortgage, together with the interest which would have been due thereon on the first Tuesday of October next thereafter, if such sale had not been made, and also the expense of the advertisements of sale and the fees paid for searches and taking affidavits, and their compensation for serving advertisements; and the remainder, if any, the commissioners shall pay to the mortgagor, his or her heirs or assigns; and if the purchaser of the said mortgaged premises offers to borrow the principal sum or sums that is or are paid by him or her for said premises, and if the

Money,
how dis-
posed of.

said commissioners are satisfied that the security offered to be given by such purchasers for such loan conforms in all respects to the requirements of this act, such purchaser shall be preferred to any other borrower; and the said commissioners shall not be obliged, for the purposes of this section, to take notice of any assignee of the mortgagor unless such assignee serves a notice of his right in writing upon the said commissioners at or before the time of sale, which notice the commissioners shall enter upon the mortgage and in the minute thereof, whenever required by such assignee, such assignee paying twenty-five cents for such entry, and the assignees of the mortgagor shall be preferred according to the priority of their entries of such notice; and on such sale the said commissioners shall retain in their hands no more than the amount of the principal then due on the mortgage, together with the interest which may have accrued thereon, and the fees paid for searches and taking affidavits, and their compensation for serving said advertisements; and if any excess over and above the principal, interest and costs aforesaid shall have been paid to the said commissioners under the provisions of this section, the comptroller is hereby authorized and required to cause such excess to be refunded to the mortgagor, his or her heirs or assigns.

Former
sales by one
commissioner, con-
firmed.

§ 9. All sales of lands mortgaged to the commissioners for loaning certain moneys of the United States, in the several counties of this state, heretofore made and conducted in good faith by one of said commissioners, after the fee therein had become vested in the commissioners by virtue of section thirty of the act entitled "An act authorizing a loan of certain moneys belonging to the United States, deposited with the State of New York for safe keeping," passed April fourth, eighteen hundred and thirty-seven, and after notice of such sales had been given in all respects in conformity to said act, and the acts amending the same shall be deemed and held to be of the same effect and validity as if both of such commissioners had been present and participated in such sale or sales; provided, however, in all such cases that the purchaser or purchasers shall have paid the purchase money of said premises, and a deed therefor executed by both of said commissioners shall have been delivered to the purchaser

Proviso.

or purchasers, providing that this section shall not affect any action now pending in the courts of this state.

§ 10. Chapter fifteen of the Laws of eighteen hundred and forty-four is hereby repealed.

§ 11. This act shall take effect on the first day of July, one thousand eight hundred and sixty-three.

Chap. 74.

AN ACT to authorize the formation of the Falconwood House Company.

Passed April 7, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Lewis F. Allen and such other persons as may associate with him, may be and are hereby authorized to associate together as a joint stock company, under the name of the Falconwood House company, for the purpose of erecting a public house, a wharf on the river, and such appurtenances thereto as may be necessary, and laying out and improving their grounds near the head of Grand Island, in the Niagara river, and county of Erie.

§ 2. The said Lewis F. Allen, and such other persons as may associate with him, shall have power to make by-laws for the regulation and management of the business and affairs of the said company, to provide for the election of officers thereof and the said company shall have power to purchase and hold real estate on Grand Island, aforesaid, for the erection thereon of a public house, and such out-buildings, and for such grounds and yards as may be convenient or necessary for the use of such public house as a summer resort and watering place, not exceeding in value when such house and appurtenances shall be erected, and the improvements of the grounds completed, fifty thousand dollars; and said association shall be authorized to commence operations when the capital shares thereof to the amount of ten thousand dollars, shall be taken in good and valid subscriptions, and five per cent thereon actually paid in cash.

§ 3. The said Lewis F. Allen, or some one of his asso-

ciates, shall, after the said capital shares to the amount of ten thousand dollars shall have been subscribed, proceed to give ten days' notice to the subscribers or shareholders, of the time and place of holding a meeting for the election of trustees under this act, at the time and place specified in such notice. The subscribers or shareholders present shall proceed by ballot to elect three trustees, who shall take and receive the title to the real estate referred to in the last section, as trustees for the shareholders hereinafter mentioned. When elected, the said trustees shall proceed to estimate the probable cost of such a public house as the company may deem it expedient to build, together with that of the out-buildings, appurtenances and improvements on the grounds appertaining thereto, and to the furnishing of the same for occupation and entertainment. They shall then divide the estimated cost of these several items into five hundred shares of one hundred dollars, each of which shares shall represent one five-hundredth part of the value of said real estate, and the several erections and improvements thereon, together with the furnishings of the same, be it more or less.

§ 4. The shares shall be distributed by such trustees among the members of the company, in proportion to the amount of their respective subscriptions. The trustees shall issue their certificates for such shares to the owners thereof, in such form, and the certificates shall be transferable in such manner, as may be prescribed by the by-laws of the company.

§ 5. The legal title to the said real and personal estate shall, during the existence of the company, vest in the trustees and their successors, and the certificates of shares shall represent the interest of the holders thereof in the real and personal estate as *cestui que trusts*; and such association shall be authorized to use and occupy and enjoy their real and personal property, and to lease or let the same, or any part thereof, to such tenant or tenants, and from time to time, and upon such terms and conditions as the trustees, or a majority of them, may determine and agree upon, but for the purpose, nevertheless, of a public house and watering place, with the necessary appurtenances thereto.

§ 6. The real and personal estate shall always be lia-

ble to execution, on any judgment for debts against the company, but shall not be liable to be sold on execution upon judgment against individuals holding any of such shares, for their individual debt, but such shares shall be deemed personal property of the owner or owners thereof.

§ 7. The said real and personal estate shall not be partitioned, divided or sold without the assent of the persons owning a majority of the shares, except by judicial sales.

§ 8. The company shall not have power nor be permitted to make any purchases of real estate upon credit, or create any debts whatever, beyond the available means applicable to the payment of such debts, which may be in the hands of the trustees and subject to their control and disposal at the time of contracting such debts; and the shareholders of the company shall be jointly and severally individually liable to the creditors of the company for all debts against the company, but not, however, until the remedy of such creditors shall have been exhausted as against the property of the company.

§ 9. This act shall take effect immediately.

Chap. 75.

AN ACT to authorize the board of directors of the Chittenango Bank to reduce its capital stock.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Chittenango bank is hereby authorized, by resolution of its board of directors, to reduce its capital stock to an amount not less than one hundred thousand dollars; provided that before such resolution shall take effect, a certificate that the capital stock has been so reduced, signed by two-thirds of the board of directors, duly acknowledged or proved, shall be filed in the office of the secretary of state, and a duplicate thereof in the office of the clerk of the county of Madison.

§ 2. Nothing in this act shall impair any of the obligations or contracts entered into by or with said bank,

nor change or lessen the liability of the stockholder thereof.

§ 3. This act shall take effect immediately.

Chap. 76.

AN ACT providing that certain liabilities incurred by the Military Aid Society of the town of Essex in Essex county, shall be a debt against said town and providing for their payment.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of town auditors of the town of Essex, in Essex county, in addition to the powers conferred upon boards of town auditors by an act passed February nineteen, eighteen hundred and sixty-three, entitled "An act to authorize the levying of a tax upon the taxable property of the different towns and counties of this state to repay moneys borrowed for or expended in the payment of bounties to volunteers or for the expenses of their enlistment, or for aid to their families, or to pay any liability incurred therefor," shall have power to audit all claims now existing against the military aid society of said town of Essex, incurred under the direction of the executive committee of said society, for the purpose of encouraging the enlistment of volunteers and extending relief to their families, not exceeding the sum of two hundred and fifty dollars, and the certificate of said executive committee, or a majority of them, shall be sufficient evidence of the amount of such claims, due to the several individuals who have made advances for said objects under the direction of said committee. and the amount of said claims as audited, not exceeding said sum of two hundred and fifty dollars, shall be a debt against said town of Essex, and shall be raised and paid to said individuals in the same manner as other moneys are to be raised and paid under the provisions of said general act.

§ 2. This act shall take effect immediately.

Chap. 77.

AN ACT to amend the act entitled "An act in relation to weights and measures," passed April eleventh, one thousand eight hundred and fifty-one.

Passed April 7, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-one of the act entitled "An act in relation to weights and measures," passed April eleventh, one thousand eight hundred and fifty-one, is hereby amended by adding thereto the following words:

In case any town shall fail to procure or obtain the proper standards of weights and measures for said town, or in case there be no sealer of weights and measures in said town, then in such case it shall be the duty of the county sealer, in the county where such town is situated, to act in said town and perform the duties of a town sealer in such town, and shall be entitled to the fees as is allowed by section twenty-seven of said act.

Chap. 78.

AN ACT to extend Oak street, Leonard street and Eckford street, and to close a portion of Dobbin street in the city of Brooklyn.

Passed April 7, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Oak street in the city of Brooklyn is hereby extended eastwardly through to Guernsey street, according to the following description, viz. : the northerly line of the said extension shall commence at the easterly termination of the present northerly line of Oak street, as laid down on the commissioners' map of the town of Bushwick, and run thence easterly in a straight line to the northerly termination of the westerly line of Guernsey street, as laid down on said map. The southerly line of

the said extension shall be the continuation eastwardly of the present southerly line of Oak street, as laid down on said map, in the same direction until it strikes a line drawn parallel with the northerly line of Calyer street, and distant one hundred and twenty-five feet northerly therefrom, and thence easterly along said line drawn parallel with Calyer street to Guernsey street.

§ 2. Leonard street in the city of Brooklyn is hereby extended northwardly to Green Point avenue, said extension to be of the same width and in a direct continuation of the present course and lines of said Leonard street, as the same is laid down on the commissioners' map of the town of Bushwick.

§ 3. Eckford street in the city of Brooklyn is hereby extended northwardly to Green Point avenue, said extension to be of the same width and in a direct continuation of the present course and lines of said Eckford street, as the same is laid down on the commissioners' map of the town of Bushwick.

§ 4. All that portion of Dobbin street in the city of Brooklyn, lying north of Calyer street, as the same is laid down on the commissioners' map of the town of Bushwick, is hereby discontinued and closed, and stricken from the said commissioners' map.

§ 5. Oak street, Leonard street and Eckford street as extended by this act, may be opened or ceded to the city of Brooklyn, graded, paved and regulated in the same manner in all respects as if such streets so extended, had been originally laid down on the commissioners' map of the town of Bushwick.

§ 6. This act shall take effect immediately.

Chap. 79.

AN ACT in relation to the poor house land in the county of Dutchess.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commiss-
ioners may
sell lands.

SECTION 1. David S. Tallman, John Ferris and Albert Emons, of the county of Dutchess, are hereby appointed

commissioners with full power at such time as to them shall seem best, to sell at public auction at the court house, in the city of Poughkeepsie, on at least three weeks' previous notice of the time and place of such sale, to be published in the Poughkeepsie Eagle and Poughkeepsie Telegraph, two newspapers published in the city of Poughkeepsie, in parcels or otherwise, the poor house land, upon which the paupers of the county of Dutchess are kept, situated wholly or in part in the city of Poughkeepsie, and to make and execute a good and sufficient conveyance or conveyances therefor, to the purchaser or purchasers in the name of the said county, and with so much of the proceeds of such sale as may be necessary, the said commissioners are hereby authorized upon such terms of payment as to them shall seem best, to purchase other farming lands, consisting of not less than fifty acres nor more than seventy-five acres, situated in said county, and not less than eight nor more than fifteen miles distant from the Hudson river, upon which to keep the county poor of said county, and to take a conveyance therefor in the name of the county of Dutchess; when the suitable buildings are completed, as hereinafter provided, to remove thereon the paupers and personal property of said county, which may be on the present poor house farm.

§ 2. The said commissioners are authorized to erect upon the lands so purchased, suitable buildings for the accommodation of the poor of said county, and in payment of the expense of construction of such buildings, they are authorized and required to use the unexpended balance of the proceeds of the sale of said poor house lands, and such additional sum or sums of money as may be necessary, but so that the entire cost of the lands so purchased and the buildings so erected shall not, in the aggregate, exceed the sum of twenty thousand dollars.

Buildings
may be
erected.

§ 3. The said commissioners are authorized to borrow in the name and upon the credit of the county of Dutchess, such additional sum or sums of money as may be necessary as aforesaid, to be paid in five equal annual installments, with interest annually on the whole principal unpaid; and a tax upon the taxable property of the county of Dutchess, shall be levied by the board of supervisors of said county, at each annual meeting of such

Commissioners may
borrow
money.

board next preceding the maturity of each of such installments, to provide for the payment thereof, together with the yearly accumulating interest on the whole sum unpaid.

Vacancies
may be
filled.

§ 4. In case any of said commissioners shall die, resign or remove from the county, his office shall thereby be vacated, but the acts of the others shall be valid until the chairman of the board of supervisors of said county shall, by appointment in writing, duly executed and acknowledged, so as to entitle it to be recorded, appoint some person to fill such vacancy, and such appointment shall be recorded in the office of the clerk of the county of Dutchess, in the book kept for miscellaneous records, and such record or a copy thereof duly certified according to law, shall in all places be evidence of such appointment and the vacancy thereby filled.

§ 5. This act shall take effect immediately.

Chap. 80.

AN ACT to legalize the acts and proceedings of Joseph Baker, as justice of the peace of the town of Manlius, Onondaga county.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All official acts and proceedings heretofore had by and before Joseph Baker, acting as a justice of the peace in and for the town of Manlius, in Onondaga county, are hereby confirmed and shall be held to be of full force and validity.

§ 2. Nothing in this act shall be construed to affect any cause of action or suit or proceeding in cases where any suit has been commenced before the passage of this act, except as provided in the foregoing section.

§ 3. This act shall take effect immediately.

Chap. 81.

AN ACT authorizing George B. Hoyt, William B. Sprague, junior, and Jeremiah Waterman, trustees of the Spring Street Mission school house, of the city Albany, to sell and convey their real estate.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. George B. Hoyt, William B. Sprague, junior, and Jeremiah Waterman, trustees of the Spring Street Mission school house, of the city of Albany, are hereby authorized and empowered to sell the real estate held in trust by them, and known as the Spring Street Mission school house, in the city of Albany, on such terms and for such price as they deem best, and to execute to the purchaser or purchasers thereof a conveyance, in their names, which conveyance so executed shall give to such purchaser or purchasers a good and sufficient title to said premises; and said trustees are also hereby authorized and empowered to apply the money arising from such sale to the purchase of another site for said Mission school house and the erection of a proper building thereon, or in such other manner as they shall deem proper in order to carry out the object of the trust committed to them.

§ 2. This act shall take effect immediately.

Chap. 82.

AN ACT separating the insane asylum of the county of Monroe from the poor house of said county, and vesting in the board of supervisors of said county the full control, management and superintendence thereof.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The insane asylum of the county of Monroe shall, after the passage of this act, be a separate and

distinct institution from that of the Monroe county poor house, and the board of supervisors of said county shall have the sole control, management and superintendence thereof.

Authority
of supervi-
sors.

§ 2. The board of supervisors of said county shall have full power and authority at any annual meeting or at any special meeting of the board called for that purpose, after the passage of this act, to make all needful rules and regulations for the management, regulation, support and control of said asylum. They shall also have power at any meeting held as aforesaid, to elect by ballot some suitable person to act in the capacity of warden of said asylum, a majority of said board of supervisors being necessary to elect, who shall hold his office for three years, unless removed by said board of supervisors for incompetency, misconduct, or neglect of duty. Said warden shall, before he enters upon his duties as such warden, execute and deliver to the said board of supervisors his bond with two or more sureties, to be approved by said board, in such amount as said board of supervisors may require, for the safe keeping and true accounting of all moneys and other property which may come into his possession as such warden. Said board of supervisors shall fix the salary of such warden and such other subordinate officers as may be by them deemed necessary, and such salary, when fixed, shall not be changed during the term of office for which such persons may be chosen.

Trustees.

§ 3. The said board of supervisors shall have power, and it shall be their duty at their first meeting after this act takes effect, to elect by ballot three freeholders of said county who shall constitute a board of trustees of said asylum. The ballots used at such election shall contain the name of one person, and the person having the greatest number of votes on the first ballot shall be elected for three years; the person having the greatest number of votes on the second ballot shall be elected for two years, and the person having the greatest number of votes on the third ballot shall be elected for one year; a majority of the votes of all members of the board shall be requisite to make such election legal. The said board of supervisors shall, at each annual meeting thereafter, elect one such trustee who shall hold his office for three

years. Said trustees shall be entitled to receive mileage at the rate of five cents for each mile traveled in the necessary discharge of their official duties in going to and returning from said asylum, which shall be audited by said board of supervisors the same as other county charges, and such trustees shall receive no other pay whatever.

§ 4. The warden shall be the chief officer of the asylum and the general superintendent of the ground and buildings, together with the furniture and fixtures, and the direction and control of all persons therein, subject to the regulations established by the board of supervisors. He shall also ascertain daily, so far as possible, the wants and condition of all patients in said asylum, and prescribe their treatment in the manner directed in the by-laws. He shall, from time to time, give such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department, and he is authorized and empowered to maintain salutary discipline among all who are employed in the asylum, and to enforce strict compliance with such instructions and uniform obedience to all the rules and regulations of the asylum. He shall further cause full and fair accounts and records of all his doings as such warden and the business and operations of the asylum, to be properly kept in books provided for that purpose, which books shall at all times be open to the inspection of the trustees or board of supervisors, or any committee of said board appointed to examine the same. The said warden shall, by and with the advice and consent of said trustees, or a majority of them, appoint all subordinate officers of the asylum, the number of such officers to be fixed and determined by the by-laws of the asylum.

Warden,
and his du-
ties.

§ 5. The warden, under the direction of the trustees or a majority of them, shall make all purchases for said asylum. He shall preserve and keep the original bills and receipts, with full copies of all orders drawn by him, make all contracts in the official name of the trustees with attendants and assistants, keep and settle their accounts, and shall also keep a just and true account of all expenses for the support of patients, incurred in their behalf, and he shall be strictly accountable for the careful keeping and economical use of all furniture, stores and pro-

tr.

visions provided for said asylum, and during the third week in September of each and every year make and file with the trustees a full and perfect inventory of all the property belonging to the asylum in and about the premises, with an appraisal thereof made under oath by himself and some discreet householder of the county of Monroe who shall be chosen by the trustees for that purpose, which inventory and appraisal, together with his annual report, shall be presented to the board of supervisors on or before the second Tuesday of October thereafter.

Supervisors
to levy tax.

§ 6. The board of supervisors of the said county shall have power at any annual meeting after this act takes effect, and it shall be their duty, to cause such tax to be levied and collected on the taxable property of the county as will, in their judgment, be sufficient to defray all expenses of the asylum during the next ensuing year, which tax, when so levied and collected, shall be paid to the treasurer of said county and placed to the credit of the Monroe county insane asylum in a book kept for that purpose, and such moneys so collected and paid to said treasurer as aforesaid, shall be used for the support and care of the insane in said county, and for no other purpose whatever. Said moneys may be drawn by the warden upon his order, from time to time, as the same may be needed for the use of the asylum.

Warden
may con-
tract for
support of
insane per-
sons.

§ 7. The said warden shall have full power to enter into contract with any individual of said county, or any town thereof, or with the city of Rochester in said county, for the support and treatment of any insane person at said asylum upon such terms as he may deem just, and such contract, when so made, shall be legal and binding upon the respective parties. The payments on such contracts to be made to the said warden, who shall render a full and true account annually to said board of supervisors of all moneys so received, and also the number and nature of all such contracts and with whom made.

Warden
may de-
mand cer-
tain in-
mates from
state asy-
lum.

§ 8. The warden of said asylum, by the direction of the board of supervisors of said county, or by the direction of the trustees of said asylum, shall have power to demand and receive from the state lunatic asylum any and all persons who now are, or who shall become chargeable hereafter to said county, or to any town or city in

said county, and the managers of said state lunatic asylum shall, on demand as aforesaid, surrender up to said Monroe county insane asylum any and all persons who, at the time of making such demand, shall in any wise be chargeable to said county of Monroe, or any town or city in said county.

§ 9. No insane person or lunatic residing in the county of Monroe, being in indigent circumstances, and whose maintenance or support shall be chargeable, or likely to become chargeable to said county or any town or city in said county, shall hereafter be admitted into the said state lunatic asylum upon the order of any court, justice, judge, or upon the authenticated certificate of the judge of said county of Monroe, unless such order or certificate be accompanied by the written consent or approval of the trustees of said Monroe county asylum, or the chairman of the board of supervisors of said county.

Restrictions as to admission of inmates into state asylum.

§ 10. This act shall take effect immediately.

Chap. 83.

AN ACT to confirm the acts of the Methodist Episcopal Church at Woodrow, in the town of Westfield, county of Richmond, and to authorize the corporation to elect nine trustees.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The corporation known as the Methodist Episcopal church of Woodrow, in the town of Westfield, county of Richmond, is hereby authorized to continue to elect nine trustees of the said corporation, in the same manner as if that number of trustees had originally been named in the certificate of incorporation, and such trustees shall be classed or continue to be classed in the manner prescribed by the sixth section of the act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and that all previous acts and doings of the trustees of the said corporation shall be as valid and

effectual as they would if no more than six trustees had been elected, as provided in the certificate of said incorporation, so far forth as any invalidity may attach to said acts and doings by reason of there having been elected, nine instead of six trustees.

§ 2. This act shall take effect immediately.

Chap. 84.

AN ACT to amend an act entitled "An act to make a road district of the village of Fonda," passed April fourteen, eighteen hundred and fifty-two.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled An act to make a road district of the village of Fonda, passed April fourteen, eighteen hundred and fifty-two, is hereby amended by adding thereto at the end thereof the following:

The highway taxes in said village shall be payable and collected in money only (excepting poll taxes assessed therein, which may be either worked out by each person against whom such assessment shall be made or commuted for at fifty cents each).

§ 2. Section three of said act is hereby amended so as to read as follows:

The said overseer, within ten days after notice of his appointment and before he enters upon the duties of his office, shall execute a bond to the trustees of said village, in such sum and with such security as shall be directed and approved of by the said trustees, for the faithful performance of his duties, which bond, so approved, shall be filed with the clerk of said village within the said period, and the neglect or refusal of the overseer to file the said bond within the time specified shall be deemed a refusal to accept the said office, and the vacancy shall be filled by the said board of trustees, and the person

thus appointed shall give the like bond within the like time, after he shall be notified of his appointment.

§ 3. Section four of said act is hereby amended so as to read as follows :

The said trustees shall make an estimate and assessment of the amount of money necessary to be raised in each year for highway taxes in said village in the same manner and with the like effect as assessments are by law made by said trustees in raising taxes for other purposes on the taxable property of said village, but the amount of money thus assessed for highway purposes shall not exceed in any one year the sum of three hundred dollars (\$300) ; and the said trustees shall, by warrant, authorize the collector of said village to collect the same, with the like power and authority as are given for the collection of other taxes in said village. The collector shall proceed to collect the amount of such tax, together with such fees or compensation for his services as the trustees, by a by-law, shall have provided, not exceeding five per cent upon the amount collected, and, after deducting his said fees or compensation, he shall pay the residue to the treasurer of the village within sixty days from the receipt of said warrant by him (who shall give the collector a receipt for the same), and file the treasurer's receipt therefor, with the clerk of said village, together with his warrant and the tax list annexed thereto, and the money, when collected and paid to the treasurer, shall be applied by him to the purposes for which such assessment was made, under the direction and control of said trustees, who shall make their orders on the treasurer from time to time in favor of the overseers of highways of said village for such portions of the money so collected as they may deem proper to be expended upon the highways, streets and alleys of said village, and in case all the money so collected shall not be deemed necessary by said trustees to be expended in said village, the said trustees may, in their discretion, direct such surplus to be applied upon any of the road districts in the town of Mohawk leading into said village, and within one mile of the corporate limits thereof, under the direction of the commissioners of highways of said town of Mohawk.

Chap. 85.

AN ACT in relation to the Troy and Cohoes Railroad Company.

Passed April 7, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Troy and Cohoes Railroad Company, organized on the eleventh day of February, eighteen hundred and sixty-two, under an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof and supplementary thereto, for the purpose of maintaining a railroad to be run with horse power only, from the city of Troy, in the county of Rensselaer, to the village of Cohoes, in the county of Albany, shall not be subject to the provisions of the thirty-seventh and forty-fourth sections of the general railroad law, section eight, chapter two hundred and eighty-two, of the Laws of eighteen hundred and fifty-four, and subdivision nine of section twenty-eight of the general railroad law; and said sections are hereby declared inapplicable to said company.

§ 2. The said railroad company may charge each passenger without baggage or with baggage not exceeding twenty-five pounds in weight, seven cents for a passage over the entire length of their road, or for a passage from any point on their road within the present limits of the city of Troy to any point on their road within the present limits of the village of Cohoes; said railroad company may charge for a passage in like manner from any point on their road on Green Island, or northward from Green Island to Cohoes or any other northward point on the line of said railroad, or from any point on Green Island to any point on their road in the city of Troy, or any other southward point on the line of said railroad, the sum of five cents; and the cars of said company shall be run by animal power only.

§ 3. The said company shall not be authorized to lay the track of said road in the village of Cohoes, without first obtaining the consent of the trustees of said village.

The track of said road in said village, when laid, shall be laid of such rails as shall least obstruct the free passage of vehicles and carriages over the same; and the said track shall be laid flush with the surface of the street, and shall conform to the grade as it now is or shall be from time time established or altered by the trustees of said village. And the said company shall keep the surface of the street, within the rails and for one foot outside thereof, and to the extent of the ties, in good and proper order and repair.

§ 4. The board of trustees, or other proper officers of said village, shall have the right of temporary interference with said track, whenever necessary, for the purpose of constructing, putting down, taking up, connecting with or repairing any of the water or gas pipes or sewers or streets in said village; and in case of snow the said company shall keep the street so used by them in said village unobstructed for the free passage of sleighs. And said company shall be liable to any person injured in said village through the carelessness or negligence of said company, its agents or servants, in constructing or operating their said road, provided that such injury shall occur without the carelessness or negligence of the party injured contributing thereto. And nothing in this or the general railroad act, or the amendments thereto contained, or the rights or privileges acquired or to be acquired under the same, shall be construed to prevent the trustees of said village of Cohoes from declaring any and every part of the route used by said railroad company, within the bounds of said village, a public highway, and using and improving the same as such.

§ 5. The said Troy and Cohoes Railroad Company shall not lay any track in the city of Troy, in or upon any street, south of Grand Division street. Nor shall the said Troy and Cohoes Railroad Company lay any track or do other acts in said city which shall be contrary to the terms of contract between the mayor, recorder, aldermen and commonalty of the city of Troy, and the Troy Union Railroad Company, and certain other railroad companies, dated on or about the first day of July, one thousand eight hundred and fifty-eight, without the consent of said corporation of Troy, and of the several railroad companies that are parties to that contract.

§ 6. The privileges granted in this act to said company shall not apply to the said Troy and Cohoes Railroad Company, unless the road of said company shall be laid, run and operated from the village of Cohoes to the city of Troy. Nor unless said company shall construct said road from the city of Troy to the village of Cohoes within the space of eighteen months from the passage of this act.

§ 7. Nothing in this act contained shall in anywise be deemed to impair, curtail, abridge or in any manner interfere with any of the rights, privileges, franchises, powers or immunities of the municipal corporation of the city of Troy, or of the village of Cohoes, by what name soever the same may be known or called, nor to impair, alter, abridge, curtail or interfere with any of the rights or powers of the common council of said city of Troy, or the board of trustees of said village of Cohoes, and the full and free exercise thereof by said common council or board of trustees, its officers, agents or otherwise, over and upon the streets, alleys, lanes and places of said city or village, but all such powers, rights, privileges franchises and immunities, and all other existing powers, rights, privileges and franchises of said city shall forever remain and continue vested in, subject to and under the control of said common council, in the same manner and to the same extent as if this act had not been passed. Nor shall anything herein contained in anywise impair, change, alter or affect any contract or agreement heretofore made or entered into, or which may hereafter be made or entered into, by or between the city of Troy and the Troy Union Railroad Company, and the several railroad companies forming said Union Railroad Company, or any of them, by which said Union Railroad Company, or any of said railroad companies, shall or may in anywise be or become released or freed from any or either of their said contracts, or agreements, or from any obligation, claim, indebtedness or liability, now due, owing or existing, or which may hereafter become due or exist, in favor of the said city against said Union Railroad Company, or any of said companies; or any obligation or liability existing or which may hereafter exist, happen or accrue, in favor of said city against the Troy and Lansingburgh Horse Railroad Company, anything herein contained to the contrary in anywise notwithstanding: provided,

nevertheless, that said Troy and Cohoes Railroad Company shall, in no event, have power to lay any railroad track in any part of said city south of Grand Division street.

§ 8. The road of the said Troy and Cohoes Railroad Company shall not cross the track or in any way interfere with the road, works or buildings of the New York Central Railroad Company, without the consent in writing of the said last named company, and on such terms and conditions as may be agreed upon between the two companies.

§ 9. This act shall take effect immediately.

Chap 86.

AN ACT to authorize the trustees of the village of Gowanda to raise money to build or attach walks to the Cattaraugus creek bridge, in said village.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Gowanda are hereby authorized to raise by tax on the taxable property of said village a sum not exceeding two hundred dollars, for the purpose of paying the expense of attaching walks to the bridge crossing the Cattaraugus creek, in said village.

Chap. 87.

AN ACT to incorporate the St. Patrick Benevolent Society of the town of Yonkers.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles Byrnes, Dennis McGrath, Patrick Brown, John Kean, Patrick Curran, John McSweeney, Patrick White, Dennis Mulligan, Thomas I. Daly, Patrick

Reynolds, Thomas Nevins, Henry Lee, Richard Atkins, Patrick Clinch, Martin Beregan, and such other persons as are now associated as the members of the St. Patrick Benevolent Society of the town of Yonkers, or may hereafter become associated with them, are hereby constituted a body corporate, by the name of "The St. Patrick Benevolent Society of the town of Yonkers."

§ 2. The objects of said corporation are to afford pecuniary relief to its sick, indigent or reduced members, and their widows and children, and to promote social union and fraternal feelings among its members.

§ 3. The said corporation shall have power to make and adopt a constitution and by-laws, rules and regulations, for the admission of members and their government; the election of officers and their duties; the suspension or expulsion of members, and for the safe keeping of its property and funds. The present officers shall hold their respective offices until others are chosen in their places.

§ 4. The said corporation may purchase and hold any real or personal estate, but the annual income thereof shall not exceed five thousand dollars, subject to the restrictions of law.

§ 5. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 6. This act shall take effect immediately.

Chap. 88.

AN ACT to amend an act entitled "An act to consolidate school districts numbers one, fourteen, fifteen and twenty-three, in the town of Malone, in the county of Franklin," passed April nineteenth, eighteen hundred and fifty-eight.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sixth section of the act entitled "An act to consolidate school districts numbers one, fourteen,

fifteen and twenty-three, in the town of Malone, in the county of Franklin," passed April nineteenth, eighteen hundred and fifty-eight, is hereby amended by striking out of the said section all that part thereof which reads as follows :

But no more than one thousand dollars shall be raised by taxation in any one year, over and above the sums necessary to be raised for the payment of teachers' wages.

§ 2. The seventh section of the said act is hereby amended by striking out of the said section all that part thereof which reads as follows :

And no person not a resident of said district, and authorized to be enumerated and reported with those forming the basis of the apportionment of public moneys to said district, shall be permitted to attend any of the said schools.

§ 3. It shall be lawful for a majority of all the taxable inhabitants of "the village school district of the town of Malone" attending at any annual, special or adjourned school district meeting, legally called or held, to vote to raise by taxation any sum which they shall deem necessary for erecting a new school house or school houses, and furnishing the same; and they may vote to cause such sum to be levied, raised and collected in as many annual installments of equal or unequal amounts as they shall deem proper.

§ 4. The trustees of said district may borrow upon the credit of said district the whole or any part of the sum which the said district may vote to raise as in the last preceding section authorized, payable at such time or times, in such sums, and upon such terms, as they shall deem expedient, subject, however, to the direction of the district, in case any resolution shall be adopted in district meeting giving directions in respect thereto. The said district shall be liable for the payment of the moneys so borrowed, and in case of default in such payment, the same may be recovered against said district by action against said trustees by their individual names, with the addition of their style of office, as often as any part of the said moneys shall become due, and the execution issued upon any judgment recovered in any such action may be levied upon any property belonging to

said district, and the same may be sold as on executions against individuals; but no property belonging to the said trustees individually or any of them shall be levied upon and sold on any such executions.

§ 5. If, at any such district meeting, it shall be voted to raise any sum by installments, in the manner authorized in the preceding third section, for building a new school house or school houses, the trustees of said district, without any further action of the said district, shall annually, in the same manner and with the like authority that other school district taxes are raised, levied and collected, make out and issue their tax list and warrants for the collection of such installments, as they shall become payable, and shall, with the moneys so collected, pay any sums borrowed as in the preceding fourth section authorized, and the interest thereon, as the same shall become due; and in case of their neglect or refusal to make and issue their tax list and warrant, as herein required, they may be compelled from time to time to do so by writ of mandamus, on the application of any person or persons to whom any moneys so borrowed may, at the time of such application, be due; and in case said trustees shall at any time have in their hands moneys collected for paying any sum or sums which may be so borrowed, or any part thereof, and properly applicable thereto, and shall refuse to pay the same over when due, the party entitled to such moneys may sue the said trustees individually, as joint debtors, and recover the amount or amounts which they shall be so in default in paying.

§ 6. Persons not resident in said district may be admitted into the schools kept therein, upon such terms as to charges for tuition as the trustees or the taxable inhabitants, by their lawful vote in district meeting, shall prescribe; and the trustees, in their official capacity, may sue for and recover from any person or persons who may contract to pay the same, any sums which may become due for the tuition of any pupil not residing in said district, who may attend any of said schools.

§ 7. This act shall take effect immediately.

Chap. 89.

AN ACT to incorporate the Whitney addition to the Mexico Cemetery.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The plat of one and five one-hundredths of an acre of ground adjoining the burial grounds in the village of Mexico, and heretofore purchased by the executors of Orla H. Whitney, for the erection of a tomb and monument, is hereby declared to be a cemetery, and to be exempt from all taxes, rates or assessments, and shall not be liable to be sold on execution, or to be applied in payment of debts from any individual proprietor or proprietors, and during the time such land shall be held as a cemetery, no street, road or avenue shall be laid through said land without the consent of the trustees thereof first had and obtained, except by special permission of the legislature of this state.

§ 2. Oliver C. Whitney and De Witt C. Peck, executors of said Orla H. Whitney, shall make a written certificate, and acknowledge the same before some officer authorized to take acknowledgments of deeds, containing the name of said cemetery and a description of the land included therein, and shall file the same in the office of the clerk of the county of Oswego, and thereupon the said executors shall be deemed legally incorporated as trustees of said cemetery, and shall possess the general powers and be subject to the general liabilities which corporations by law possess and are subject to, and in case of the death or resignation of either of said trustees, it shall be lawful for the county judge of Oswego county to appoint from among the proprietors of lots in said cemetery a successor, who shall be named to said judge in the petition of the surviving trustee and a majority of the said proprietors residing in the town of Mexico. Said trustees may lay out said ground into burial lots, alleys and drives, and shall cause a map thereof to be made, said lots being designated by number, and file the same in the county clerk's office, and

after filing said map, may sell and convey the lots so designated, upon such terms as may be agreed and subject to such conditions and restrictions to be inserted in or annexed to the conveyances, as the trustees may prescribe, the conveyances to be executed by said trustees, provided that no lots shall be sold within the limits of the iron fence and arbor-vitæ hedge running around the monument of the said Orla H. Whitney, deceased.

§ 3. Said trustees may take and hold any real or personal property, donated, bequeathed, or given in trust, to an amount not exceeding one thousand dollars besides the avails of said lots, and may also retain and invest any unexpended balance of said O. H. Whitney's monument legacy, and may expend any of said funds in their discretion in repairs, improvement and embellishment of said cemetery, grounds, fences, railings, monuments, tombs, structures, trees, shrubbery, drives, walks, lots or plats, or in the erection, procurement or cultivation of the same; provided that no part of O. H. Whitney's legacy or income thereof shall be expended otherwise than upon said O. H. Whitney's tomb or monument or upon the grounds, structures, fences, trees and shrubs immediately connected therewith, or upon the fences inclosing said cemetery and walks and drives therein.

§ 4. Every person who shall willfully pull down, deface or injure any fence, monument or stone, or any ornament, structure, bridge or railing, or any plat or lot in said cemetery, or shall willfully destroy, cut, break or injure any tree, shrub or plant within the limits thereof shall be deemed guilty of a misdemeanor, and such person shall also be liable to forfeit and pay to the trustees of said cemetery an amount equal to three times the value of the property so destroyed, defaced or injured, and not less than five dollars.

§ 5. This act shall take effect immediately.

-Chap. 90.

AN ACT for the protection and improvement of the Tonawanda band of Seneca Indians, residing on the Tonawanda reservation, in this state.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The male Indians of and belonging to the Tonawanda band of Seneca Indians, and residing upon the Tonawanda reservation in this state, and who are of the age of twenty-one years and upwards, are hereby authorized and empowered to choose and elect the following officers : Three peace-makers, one clerk, one treasurer and one marshal. The said officers shall all be chosen and elected from Indians who are members of said Tonawanda band, and the said peace-makers shall be elected from the chiefs of said band, residing on said reservation. The officers hereinbefore named shall be chosen by ballot, or by ayes and noes, upon nomination of an elector. The first election of said officers shall be held at one of the council houses of said band, upon said reservation, on the first Tuesday of June, one thousand eight hundred and sixty-three ; and there shall be held an annual election for the election of said officers, on the first Tuesday of June in each and every year thereafter. A plurality of all the votes given at any such election shall be sufficient to elect any candidate for any of the said offices. At the first election held under this act, the oldest peace-maker present, from the peace-makers then holding office in said band, shall be the presiding officer over such election, and the clerk then holding office in said band shall keep the minutes of the proceedings and result of the election, but at all subsequent elections, the oldest peace-maker present, and clerk last chosen, shall be the president and clerk to preside over and keep the minutes of the proceedings and result of the elections. In case of the absence of the peace-makers and clerk, those present at the meeting shall choose a president and clerk for such meeting.

Election of officers.

§ 2. No Indian shall be entitled to vote at any such Voters.

election of officers, unless he shall be twenty-one years of age or over, nor unless he shall be a member of the Tonawanda band of the Seneca nation of Indians, and a resident upon the Tonawanda reservation in this state, at the time he shall offer his vote; and the presiding officer at any such election, shall have power to determine upon the right to vote of any person offering to vote at any such election, and may examine, on oath, the person so offering to vote, or any other Indian or Indians, which oath the presiding officer is authorized to administer.

Term of
office, and
supplying
vacancies.

§ 3. The officers elected by virtue of this act, shall hold their respective offices for one year, commencing on the first Tuesday of July following their election. If any vacancy shall happen, any chief of said band may, within eight days thereafter, call a special meeting of the chiefs of said band, residing on said reservation, to be held at one of their council houses, by leaving a notice of such meeting with said chiefs, or at their several places of residence on said reservation, five days before the time at which such meeting shall be convened, specifying the time and place of such meeting. A majority of the chiefs present shall choose a clerk for the meeting, and elect officers to supply such vacancies.

Register of
elections.

§ 4. There shall be a book provided by said band, to be called the register of elections, and a certificate of the election of any officer under this act shall be entered in such register, and be signed by the president and clerk of said meeting, and shall be evidence of such election.

Treasurer
to give
bond.

§ 5. The treasurer shall, within thirty days after his election, give security to the said Tonawanda band of Seneca Indians, in such form and amount as the peace-makers shall approve, for the faithful performance of the duties of his office. For any breach of the conditions of the said security, an action may be maintained in any court of this state, in the name and for the benefit of the said Tonawanda band of Seneca Indians, in the manner provided by the laws of New York, for the breach of official bonds given by any county treasurer. The treasurer, after giving security as aforesaid, shall receive all moneys belonging to said band, which shall be deposited with him pursuant to any resolution of the chiefs of said band, duly adopted in council and recorded. He shall not pay out any of said moneys, except upon the warrant

of the presiding officer and clerk of a council of the chiefs, at which an act of appropriation of such money shall have been duly made, by a majority of votes, and recorded. The treasurer shall receive such compensation as the chiefs in council assembled shall determine.

§ 6. The clerk shall have the custody of all the books, papers and records belonging to the said band; he shall be furnished by the chiefs with a book of records at the expense of the band. in which he shall enter all the proceedings and elections of any annual or special meetings of said Indians, and all orders, rules, regulations and certificates, made or granted by the chiefs in council, and for that purpose shall attend the meetings of the said Indians, and the councils of the chiefs, and shall be their secretary; all orders of the chiefs for the payment of any money, shall be certified by the presiding officer and clerk to have been duly made, before the same shall be paid by the treasurer, and shall be retained by the treasurer as his vouchers. Every order, certificate or other matter, certified by the clerk to be true extracts from his minutes, shall be competent evidence thereof; the clerk shall receive such compensation for his services as shall be allowed by the chiefs in council, not exceeding fifty dollars in any one year.

Clerk to
keep books,
papers, &c.

§ 7. The peace-makers of said reservation shall have authority to hear and determine all matters, disputes and controversies between any Indians residing upon said reservation, whether arising upon contracts or for wrongs, and particularly for any encroachments or trespass on any land cultivated or occupied by any one of them, and which shall have been entered and described in the clerk's book of records; but they shall not take cognizance of any claim founded upon any debt or demand originally contracted with a white man. And said peace-makers shall have power to make all needful rules and by-laws for notifying and bringing the parties to such matters, disputes and controversies as may arise under the provisions of this section before them, and for the regulation of all proceedings thereon, and for the hearing and determination thereof, and for the enforcing obedience to such rules and by-laws. They shall publicly hear the proofs and allegations of the parties to such matter, dispute or controversy, and shall publicly declare and make known

Authority
of peace-
makers.

their determination therein within four days after such matter, dispute or controversy shall be finally submitted to them by the parties. They shall have power to enforce obedience to such rules and by-laws, and shall have power to issue and enforce the observance of orders or notices for the appearance and attendance of witnesses before them to testify and give evidence in any such matter, dispute or controversy so pending before them, and may compel the appearance before them of such witnesses by attachment or by fine, for not appearing in the same manner as is now provided by law for compelling the attendance of witnesses in courts of justices of the peace in this state. They shall have power to, and may administer oaths to witnesses produced by the parties on any such hearing, and to cause them to be examined on oath, and may examine any party to any such matter, dispute or controversy so pending before them, on oath as a witness, when such examination shall be required by an adverse party. The chiefs of said Tonawanda band of Indians shall furnish for the use of the said peace-makers, a book of record of their proceedings and determinations, in which said peace-makers shall cause an entry to be made of all matters heard and determined by them under the provisions of this act. The entry made in every such case, shall contain the names of the parties to such matter, a brief statement of the matter brought before them for a hearing and determination, the finding and determination thereon of the peace-makers, before whom it was heard, the amount of their award, the amount of costs allowed, the party in whose favor it is found, and also against whom it is found, and the time within which their decision is to be complied with, and the date of such determination. The clerk of said band shall act as the clerk of said peace-makers and shall attend them on all such hearings, and shall keep said book of records, and make all the entries herein required to be made in said records. In case any party shall fail to comply with, or fulfil the direction or finding of said peace-makers in any matter heard and determined by them under the provisions of this section within the time fixed by such determination, the party in whose favor such determination may be, shall be entitled to recover the amount awarded to him by such determination, with costs, in an

action in justice's court before any justice of the peace of the county of Genesee, in which action, a copy of the record of such determination, certified by said clerk, shall be conclusive evidence of the right of recovery, and of the amount of such recovery, and executions shall be awarded to enforce the collection of the judgment obtained thereon in the same manner and with the like effect as against white persons, and the property and person of the defendant in such action shall be liable to seizure and sale or imprisonment, as in like cases against white persons. But the peace-makers shall in no case award more than one hundred dollars, exclusive of costs, in favor of any party, in any one complaint or suit. Any two peace-makers shall be competent to perform any duties and exercise any powers herein assigned to the peace-makers of said reservation. The oldest peace-maker present at any business meeting of the peace-makers shall be the presiding officer of such meeting.

§ 8. No peace-maker shall act in any case in which he is related by blood to either of the parties within the fourth degree by the common law, or have any interest in the controversy, and when such relationship or interest in any two peace-makers is established to the satisfaction of the other, he shall associate with him any two chiefs residing on the reservation, not related to the parties as hereinbefore mentioned, and not having any interest in the controversy, for the hearing and determination of the suit, and such peace-makers and the chiefs so appointed, or the majority of them, shall have all the powers and authority herein conferred upon the peace-makers in relation to such suits.

When
peacemaker
not to act.

§ 9. Any party dissatisfied with the determination of any tribunal so constituted, or of the peace-makers in any suit, may appeal therefrom to a jury of six chiefs, to be selected as follows: Upon giving security to be approved by the peace-makers to pay the amount that shall be awarded by such jury, the tribunal whose decision is appealed from, shall direct the marshal to summon twelve chiefs, to be designated by such tribunal, to appear at a time and place to be specified, not more than ten days thereafter, to determine such appeal; on the appearance of the chiefs so summoned, six of their number shall be drawn by lot to hear such appeal; if it be

Appeal
from peace-
maker.

established to the satisfaction of the tribunal which summoned the said chiefs, that any of them are related to either of the parties as herein before named, or are interested in the controversy, they shall be set aside and other chiefs shall be drawn instead of them. The jury thus constituted shall hear the appeal, examine the witnesses and parties on oath, if required in the same cases and in like manner and upon the like evidence as in the case of a determination by the peace-makers. The chiefs hearing such appeal, shall each be entitled to receive twenty-five cents for their services, to be paid in the first instance by the party appealing; in their final determination they shall direct which party shall pay the costs and expenses of the suit and of the appeal.

Pay of
peace-
makers by
suits.

§ 10. The peace-makers shall not receive any fees for their services to their own use, but all such fees shall be paid to the treasurer of the said band for its use; and in every controversy before them, the costs shall be paid by the party against whom the determination shall be made, which costs shall consist of the fees of the marshal as herein provided and fifty cents each for the attendance of the peace-makers at the hearing of the parties, and if the same shall be adjourned, twenty-five cents each for each adjournment; the costs allowed shall be ascertained and specified by them in their determination.

Salary.

§ 11. There shall be allowed to each of the peace-makers by the chiefs in council, an annual compensation, not exceeding fifty dollars in any one year, to be paid semi-annually by the treasurer.

Duty of
marshal.

§ 12. The marshal shall execute all orders, summons and process issued or given to him by the peace-makers, or by any tribunal created according to the provisions of this act, and shall be entitled to receive for his services the same fees as are allowed by law to constables in courts held by justices of the peace.

When
Indians
may sue in
courts of
state.

§ 13. For any demand or right of action which any Indian of said band may have against any other Indian, and which, according to the provisions of this act, exceeds the amount which may be awarded by the peace-makers, actions may be maintained and prosecuted in the courts of this state, in the same manner and with the like effect as between white citizens.

Names of

§ 14. The names of the chiefs of said band shall be

entered by the clerk in the book of records, and if the fact of their being chiefs shall be disputed by any other chief, such fact shall be determined by the chiefs in council; but this provision shall not be construed to authorize them to depose any such chief, or to determine upon the propriety or expediency of entering his name, except upon the determination of four-fifths of all the chiefs of said band.

chiefs to be recorded.

§ 15. Any willful false swearing, by any person to whom any oath may be administered, according to the provisions of this act, shall be deemed perjury, and punished as such in the manner provided in the laws of this state; and any person who shall unlawfully and corruptly procure such false swearing, shall be deemed guilty of subornation of perjury, and shall be punished as provided by the laws of this state.

Perjury.

§ 16. The lands within the said reservation, not already cultivated and improved or inclosed by fences by individual Indians, shall be deemed to be held in common by the said Tonawanda band of Seneca Indians, and they shall be subject to the control of the chiefs of said band. No land within the said reservation not already cultivated and improved or under fence, shall hereafter be appropriated by any Indian to his own use, without the consent of the chiefs in council; whose duty however it shall be on application, to allot and set apart for any Indian or any Indian family, so much wild land as the chief shall deem reasonable and an equitable proportion in reference to the whole number not possessing lands. The description of such lands shall be submitted by the respective claimants to the chiefs in council assembled, and shall be approved by the council before they shall be recorded.

Certain lands held in common.

§ 17. Lands on the said reservation which are appropriated by any Indians or family to their own use, and cultivated or improved by them, shall within two years after this act takes effect, be described by the person or persons claiming the same, with convenient certainty, and be entered in the book of records kept by the clerk of the said Indians, and if not so entered, the claimant thereof shall not be entitled to maintain any suit under the provisions of this act, for encroaching or trespassing thereon.

Certain lands to be described, and recorded.

Indians in certain cases may sell timber, &c.

§ 18. Any Indian residing on the said reservation, having land allotted to him by the chiefs or entered as herein provided, may sell for his own benefit, any timber, or trees, or stone, or plaster on that portion of such land which he shall actually and in good faith clear for the purpose of cultivation. But no white person shall, under the pretence of being hired by any Indian, or any other pretence, be employed in removing any timber, or wood, or stone, or plaster from said reservation, or cutting down any trees, or quarrying for that purpose.

May make shingles and staves, from timber, &c.

§ 19. Any Indian residing on the said reservation may, without the aid or assistance of any white person, manufacture shingles or staves from any timber or any trees growing upon any wild land therein, not allotted to or entered by any other Indian, or being or growing upon any land allotted to or entered by him, and may sell or dispose of the same for his own benefit. But no white person shall, under the pretence of being hired by any Indian, or any other pretence, be employed in any such manufacture, or in removing any timber, or cutting down any trees for that purpose. But before any Indian shall cut or remove any wood, trees or timber from any wild land not allotted to him he shall obtain a permit therefor from a council of chiefs, duly assembled, which shall be signed by the presiding officer and clerk of such council.

When timber or trees not to be sold.

§ 20. No timber being on any part of said reservation, no trees growing thereon, nor any manufacture thereof shall be sold or disposed of by any individual Indian or Indians, except as hereinbefore provided ; and every such sale or disposition shall be absolutely void. And any Indian or Indians who shall sell or dispose of any timber being on any part of said reservation, any trees growing thereon, or any manufacture thereof, except as hereinbefore provided, shall be subject to a penalty of twice the amount of the value of such timber, trees, or article manufactured from them, which penalty may be sued for and recovered from said Indian or Indians, in any court of this state, in the name of the people of the State of New York, and for the benefit of the Tonawanda band of Seneca Indians, and collection of any judgment or judgments so recovered for such penalties shall be enforced in the same manner that the collection

of judgments for penalties are enforced against white persons under the existing laws of this state.

§ 21. The proper action for the benefit of the Tonawanda band of Seneca Indians may be prosecuted and maintained by the attorney for the said Indians for any timber or trees, or the manufacture thereof, sold, taken or carried from the said reservation, in any other case than as herein provided and allowed, and shall recover in such action double the value of the timber, trees, or article manufactured from them, so sold, taken or carried from the said reservation.

When double value may be recovered.

§ 22. The district attorney for the county of Genesee shall be the attorney for the Tonawanda band of Seneca Indians. He shall, from time to time, advise the said Indians respecting controversies between themselves, and between them, or any of them, and any other person; he shall prosecute and maintain all such actions, suits, and proceedings for them, or any of them, as he may find necessary and proper; and it shall be his duty, on the written complaint of a majority of the chiefs of said band, when any trespass has been committed on the lands of said reservation, or any timber, wood, or logs have been cut or carried away, or converted by any person, not Indian, to his own use, immediately to commence the proper suits for the recovery of such property, or of damages for any such injury. He shall, at all times when requested by them, or by any chief, advise them in relation to their affairs. All suits commenced and prosecuted under the provisions of this act shall be in the name of the people of the State of New York, and for the benefit of said Tonawanda band of Seneca Indians, and in case it shall be necessary to execute any bonds for the prosecution or maintenance of any suit or proceedings in behalf of the said Indians, or any of them, the said attorney may execute the same in the name and behalf of the said Tonawanda band of Seneca Indians, who shall be bound thereby as any citizen may be bound by his lawful agent and attorney, in fact, and all sums recovered in any action brought by the said attorney, after deducting such costs and expenses as shall be certified to by the judge before whom the case was tried and judgment rendered, shall be paid over to the treasurer of the said Tonawanda band of Seneca Indians, if there be

District attorney of Genesee, attorney for Indians, and his duties.

one, and if there be none, then to such person as shall be appointed to receive the same by a majority of the chiefs of said band in council assembled, such appointment to be certified to by the presiding officer and clerk of said council. In every suit or proceeding authorized by this act any individual Indian of said band may, if otherwise competent, be received and examined as a witness on behalf of the said Tonawanda band of Seneca Indians, notwithstanding his being a member of said band.

Laying out
of roads.

§ 23 The chiefs of said band of Indians, in council assembled, may determine on the laying out of roads and highways, and working the same; and may make by-laws to regulate such work, and also for regulating, protecting and improving their common lands, and for regulating fences, and preventing trespasses by cattle or otherwise, and may provide a penalty, not exceeding five dollars, for violating or disobeying any such regulation or by-law, which penalty may be enforced and collected by action in the name of said band in any justice's court in the county of Genesee, for the benefit of said band, and any chief or other officer of said band may appear and answer to and conduct the trial of any such action for said band.

Right to
cultivate
lands, regu-
lated.

§ 24. No person or persons other than Indians shall have the right to occupy or cultivate any lands within said reservation on shares, or under any lease thereof or other contract, except it shall be pursuant to and in accordance with the following regulations and restriction: Any Indian residing on said Tonawanda reservation, and a member of said Tonawanda band of Seneca Indians, owning or possessed of improved lands thereon, may lease said lands on shares to any white man, but no lease of such land shall be valid or give any right to such white person or persons to any portion of the crops or produce raised upon such lands, unless the contract for the leasing of such lands be in writing and approved in writing by the attorney of the said Tonawanda band of Seneca Indians, duly indorsed on said contract, nor unless such Indian shall have first obtained a permit therefor from a council and chiefs duly assembled, which shall be signed by the presiding officer and clerk of such council; and no permit shall be granted by such council unless the

Indian applying therefor shall show to the satisfaction of said council, how much land he or she proposes to lease, that it is within the bounds of his or her occupied improvements, that the same is inclosed by a lawful fence, that he or she has cultivated, or is in the act of cultivating as much of his or her improvement as their ability will allow, and that the permit asked for, only covers the leasing of such part of his or her improvements as he or she has not the ability or means to cultivate. Any lease or contract, made in contravention or violation of the provisions of this section, shall be absolutely void, and the amount of all rents, or crops, or produce raised thereunder shall be forfeited, and shall belong to said band. And the attorney for said Indians shall be authorized to prosecute for the value of all rent or crops raised upon any of the lands of said reservation under any such void lease or contract for the benefit of the Tonawanda band of Seneca Indians, and to recover the amount thereof from any person or persons violating the provisions of this section.

§ 25. It shall be unlawful for any Indians, other than members of the Tonawanda band of Seneca Indians, to settle or reside upon the lands within the said Tonawanda Indian reservation, unless such Indian or Indians shall first obtain a permit from the chiefs of the said Tonawanda band, which permit shall only be granted by said chiefs in council assembled by a majority vote, and shall be in writing, signed by the presiding officer and the clerk of such council, by direction of such council. And said chiefs in council assembled shall have power to limit the time and regulate the terms upon which any Indians, not members of said Tonawanda band, may settle or reside upon said lands, and every permit granted by said chiefs, shall specify the length of time and the terms upon which any such Indians may reside upon any portion of such lands, and shall describe the boundaries and quantity of such lands so permitted to be occupied. And all leases, contracts and agreements made by any of the members of the said Tonawanda band, whereby any of the Indians, not members of said Tonawanda band, shall be permitted to reside upon such lands, shall be absolutely void; and if any Indian or Indians shall settle or reside on any such lands con-

When other
Indians may
reside on
lands of
reservation.

trary to this act, it shall be the duty of the county judge of the county, within which such land shall be situated, on complaint made to him and on due proof of the fact of such settlement and residence in violation of this section, to issue a summons directed to the person or persons complained of, reciting the facts alleged in said complaint, and requiring the person or persons to whom the same is directed, to appear before said judge at a time and place to be therein named, to answer the said complaint, and it shall be the duty of such judge to attend at the time and place stated in said summons, and on due proof being made to him of the personal service of said summons on such person or persons, he shall take proof of the facts alleged in said complaint, and thereupon determine whether such person or persons are intruders on lands of said reservation in violation of this section, and if he shall determine that such person or persons are intruders thereon, it shall be his duty to issue his warrant under his hand and seal, directed to the sheriff of such county, commanding him within ten days of the receipt thereof, to remove such person or persons so settling or residing with his, her or their families from such lands, and it shall be the duty of such sheriff accordingly, within the time aforesaid, to remove such person or persons, and for that purpose he shall have and possess the same powers as in the execution of criminal process. And such sheriff, for executing the said warrant, shall be allowed such compensation as the comptroller of this state shall certify to be reasonable, which compensation shall be paid by the treasurer on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated.

Punish-
ment of
trespassers.

§ 26. That if any Indian or Indians, after being so removed as aforesaid, shall return to settle or reside upon the lands of the said Tonawanda reservation without obtaining the permit from the chiefs of said Tonawanda band of Seneca Indians, as provided in the last foregoing section, such person or persons so offending, and being thereof convicted before the county judge of the county where the lands so intruded upon by such person or persons are situated, upon the confession of the party offending, or proof of any witness or witnesses on oath, then the said judge before whom such conviction shall be had

shall direct and send his warrant to the sheriff of the said county, commanding him to arrest such person or persons forthwith, and to commit him or them to the common jail of the said county, there to remain for the space of thirty days; and such sheriff shall accordingly arrest and commit such person or persons to the said common jail for the term of time aforesaid, there to remain without bail, and without being entitled to the liberties of the limits of the said jail. And such judge shall cause such conviction to be drawn up and filed in the office of the clerk of the county; and no such conviction or adjudication shall be liable to be removed by certiorari, appeal or otherwise, but shall be deemed and taken to be final.

§ 27. That it shall be the duty of the respective district attorneys of the several counties of this state in which any of the lands of the said Tonawanda reservation shall be situated, to make complaint of all intrusions upon the lands of the said reservation, in their respective counties, forbidden by this act, on the application, in writing, of a majority of the chiefs of the said Tonawanda band of Seneca Indians, and to cause such intruders to be removed in the manner hereinbefore specified and prescribed, and in case of their return, to complain to the county judge of the county, that the provisions of sections twenty-five and twenty-six may be carried into effect.

Duties of
district
attorneys
relative to
trespassers.

§ 28. That whenever any Indian or Indians of the said Tonawanda band shall occupy any of the common lands of said reservation in violation of section sixteen of this act, it shall be the duty of the chiefs of said band, or a majority of them, to cause a notice, in writing, signed by the presiding officer and clerk of said band, and describing the lands so occupied in violation of said section, to be served on the person or persons so violating said sections, requiring such person or persons to remove from the said lands within ten days after the personal service of such notice upon such person or persons, or in default thereof to show cause before the chiefs of said band, in council assembled, at a time and place to be therein stated, why such person or persons should not be removed from such lands. And, in case such person or persons shall not remove from said lands, as required by

Removal of
trespassers
from lands.

said notice, or shall not show sufficient cause to said chiefs in council assembled, in pursuance of such notice, why such person or persons should not be removed from said lands, the said chiefs shall have power, and it shall be their duty, on due proof being made to them of the personal service of such notice upon the person or persons to whom the same was directed, and on proof that such lands are common lands of said band, not held or occupied by such person or persons under the permit required to be granted by said chiefs, to issue an order, directed to the marshal of said reservation, commanding said marshal forthwith to remove such person or persons from said lands so occupied in violation of said section, which order shall be signed by the presiding officer and the clerk of said council. And it shall be lawful for and the duty of said marshal to remove such person or persons from said lands, and to call to his aid sufficient force to cause such removal, and to keep such person or persons removed therefrom. And the said marshal and his aids shall not be liable to any civil or criminal prosecution for any necessary act done by him or them while executing said order.

In cases of
encroachment.

§ 29. Whenever complaint shall be made to the peace makers by any Indians lawfully residing upon any cultivated lands on said reservation, which shall have been entered and described in the clerk's book of records, that an encroachment is being made by other Indians upon his, or her, said lands, it shall be the duty of the peace makers to issue a notice to the person or persons complained of, reciting the complaint, and requiring said person or persons to appear before them, at a time and place to be in said notice named, and show cause why the complainant should not be put into full and peaceable possession of the lands alleged to be encroached upon, which notice shall be immediately served upon such person or persons. The said peace makers shall meet at the time and place mentioned in said notice, and, on proof of the personal service of said notice on the person or persons complained of, they shall hear the proofs of the parties, and shall forthwith determine whether any encroachment has been made as alleged, and the extent thereof, and in case they shall find that an encroachment has been made, they shall issue an order, directed to the marshal of said

reservation, commanding him forthwith to remove such encroachments, and put the complainant in full possession of the lands encroached upon. And the said marshal, on receiving such order, shall forthwith remove such encroachments, and put the complainant in full possession of his said lands, and keep him in possession as against the person or persons complained of, and all other persons aiding or abetting them. And the said marshal is hereby empowered to use all necessary force for the execution of said order, and he and his aids shall not be liable to any civil or criminal prosecution for any necessary act done by him or them while executing said order.

§ 30. The proportionate share of said band to the annuity of five hundred dollars, agreed to be paid by the State of New York, under a treaty dated twelfth September, eighteen hundred and fifteen, shall hereafter be paid by the treasurer of this state, under the warrant of the comptroller to the treasurer of the Tonawanda band of Seneca Indians. Their proportionate share shall be determined by the ratio that their numbers bear to the whole number of Senecas residing in other portions of the State having an interest in the annuity. Payment of annuity.

§ 31. The several officers of the said Tonawanda band of Seneca Indians, elected and holding office under and in pursuance of the provisions of chapter two hundred and eighty-three, of the Laws of eighteen hundred and sixty-one, entitled "An act for the protection and improvement of the Tonawanda band of Seneca Indians, residing on the Tonawanda reservation in this State," shall be the officers of said band under this act, and continue to hold and to discharge the respective duties of their several offices, under the provisions of this act, to and until the first Tuesday of July, eighteen hundred and sixty-three, and for that purpose shall have all the powers conferred by this act upon them respectively. Term of certain officers.

§ 32. Chapter two hundred and eighty-three, of the Laws of eighteen hundred and sixty-one, being an act entitled "An act for the protection and improvement of the Tonawanda band of Seneca Indians, residing on the Tonawanda reservation in this State," passed April seventeenth, eighteen hundred and sixty-one, is hereby repealed. Repeal.

§ 33. This act shall take effect immediately.

Chap. 91.

AN ACT to change the corporate name of "The Monroe County Savings Institution," in the city of Rochester, New York, to "The Monroe County Savings Bank."

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The savings institution incorporated under the act to incorporate "The Monroe County Savings Institution," passed April eight, eighteen hundred and fifty, shall hereafter be known by the corporate name of "The Monroe County Savings Bank," and the trustees of said institution shall take the charge of the business and securities, and assume all the liabilities belonging thereto, and transact all the affairs of such institution, by the name last mentioned.

§ 2. This act shall take effect immediately.

Chap. 92.

AN ACT to amend an act to incorporate the Utica Mechanics' Association, passed March thirtieth, eighteen hundred and thirty-three.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of the act entitled "An act to incorporate the Utica Mechanics' Association," passed March thirtieth, eighteen hundred and thirty-three, is amended so as to read as follows :

§ 5. The annual income of the real and personal estate which the said corporation may at any time hold, shall not exceed five thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 93.

AN ACT to authorize the making of sidewalks and planting shade trees along highways of this state, other than in cities and incorporated villages.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All persons owning lands fronting upon any highway, (except in cities and incorporated villages,) may make and have sidewalks along such land in the highway and plant and have shade trees along the road-side of such sidewalks; such sidewalks with shade trees shall not extend more than six feet in width from the outward line of such highway; provided such highway is not over three rods wide, with the right to add one additional foot in width to such sidewalk for every additional rod in width of said highway where such sidewalks may or shall be built or shade trees planted, and for the protection of such walks or trees may also construct a railing upon the road-side adjacent and within two and a half feet of such trees or walks, of not more than one bar in height with posts, and also protectives at the ends in such way or manner as not to prevent foot passengers from using such walks, but so built as may and shall prevent cattle from going thereon.

§ 2. This act shall take effect immediately.

Chap. 94.

AN ACT in relation to the New York Juvenile Asylum.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The twenty-eighth section of the act entitled "An act to incorporate the New York Juvenile Asylum," passed June thirtieth, eighteen hundred and

fifty-one, and amended by the act entitled "An act in relation to the New York Juvenile Asylum," passed March twenty-fifth, eighteen hundred and fifty-eight, is hereby further amended, and shall read as follows, viz. :

§ 28. In each and every year thereafter the board of supervisors shall in the same manner levy and collect by tax, and pay over to the said New York Juvenile Asylum, for the uses and purposes thereof, ninety dollars per annum, and proportionally for any fraction of a year, for each child which, by virtue and in pursuance of the provisions of this act, shall be entrusted or committed to the said Asylum, from the city and county of New York, and shall be supported and instructed therein.

§ 2. This act shall take effect immediately.

Chap. 95.

AN ACT to facilitate the acquisition of lands for the extension of the Croton Water Works, and for building reservoirs in the city of New York, and to authorize the mayor, aldermen and commonalty of the said city to borrow two hundred thousand dollars for the purposes aforesaid.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

May acquire title to lands.

SECTION 1. The Croton Aqueduct Board in the city of New York, for and on behalf, and in the name of the mayor, aldermen and commonalty of the city of New York, are authorized to acquire titles to such plots, pieces or parcels of land in the said city, north of One Hundred and Seventieth street, as they in their judgment shall deem necessary for the building of a reservoir or reservoirs and appurtenances thereto, for the purpose of supplying such parts of said city with Croton water as are not now supplied with the same.

May make surveys.

§ 2. The said board are hereby authorized to enter upon any such lands for the purpose of making surveys thereof, and to agree with the owners of the same as to the amount of compensation to be paid on the purchase

thereof, and in case of disagreement as to such amount or amounts the said board may, in the name of the said mayor, aldermen and commonalty, from time to time, present a petition or petitions to the supreme court at any special term thereof, held in the first judicial district, praying for the appointment of commissioners of appraisal. Such petition shall be signed and verified by the officers of said board, and shall contain a description of the lands to be acquired.

§ 3. Sections three, four, five, six, seven, eight, nine and ten of an act entitled "An act to facilitate the acquisition of lands for a new reservoir for the city of New York," passed June thirtieth, eighteen hundred and fifty-three, shall apply to this act in the same manner and with the same effect as if the same were enacted herein; but any motion or applications by said sections of said act, required to be made at a general term may, in the proceedings authorized by this act, be made at a special term of said court.

Certain sections of act of 1853 applied.

§ 4. The said Croton aqueduct board are authorized to construct such reservoir or reservoirs, with the necessary engines, machinery and equipments, upon the lands acquired under this act, and upon any other lands heretofore acquired for the purpose of the Croton water works, and to construct such aqueducts, mains or pipes as they may deem necessary for the purposes aforesaid; and it shall be lawful for said board to purchase the engines, machinery and materials necessary for and to construct the work authorized by this act, at such prices and in such manner, by contract, as they may deem the public interests require.

May construct reservoirs, aqueducts, &c.

§ 5. It shall be lawful for the said mayor, aldermen, and commonalty to borrow and raise by loan, from time to time, and in such amounts as they shall deem advisable, a sum not exceeding two hundred thousand dollars, by the creation and issuing of a public fund or stock, to be known and designated as the "Croton water stock," which shall bear interest not exceeding six per cent per annum, and shall be redeemable within a period of fifty years from and after the passage of this act.

May borrow money.

§ 6. It shall be lawful for said mayor, aldermen and commonalty aforesaid to determine what shall be the nominal amount or value of each share of said stock, and

Stock.

of what number of shares the same shall consist, and they are hereby authorized to sell and dispose of such shares at or above the par value thereof, either at public auction or by inviting proposals for the same in the manner in which the stocks of the said city are now usually disposed of.

Payment of
debt.

§ 7. All the provisions of the laws heretofore passed, pledging the faith of the city of New York, and providing sinking funds for the payment of the interest on the city debt and the redemption of the principal of said debt, which are not repugnant to, or incompatible with, any provisions in this act contained, are hereby made applicable to the stock issued in pursuance of this act.

Application
of moneys.

§ 8. The money to be raised by virtue of this act shall be applied and expended for the purposes authorized by this act, and to no other purpose whatever.

§ 9. This act shall take effect immediately.

Chap. 96.

AN ACT to amend the charter of the village of Saratoga Springs.

Passed April 7, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the village of Saratoga Springs are hereby authorized to levy and collect by tax upon the taxable property in said village, the sum of eight hundred dollars, in the year eighteen hundred and sixty-three, and the like amount in each year until and including the year eighteen hundred and sixty-seven, for the purposes of paying the present indebtedness of said village on account of the fire department thereof.

§ 2. The amount so collected shall be annually paid by the treasurer, upon such indebtedness as is secured by mortgages, until the same is wholly paid and discharged.

Chap. 97.

AN ACT to incorporate a fire company in the village of Cossackie.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. William H. Martin, John C. Mackey, Richard Baker, and such other persons, residing in and near the village of Cossackie Landing, as they may have associated with them, under an act of the legislature of the State of New York, entitled "An act to organize a fire department in the village of Cossackie Landing, in the county of Greene," passed April eleventh, one thousand eight hundred and forty-two, and such other persons as they may hereafter associate with them for the purpose of organizing one engine and hose company in said village, be and are hereby constituted a body politic and corporate by the name and description of "The Fire Department in the village of Cossackie Landing," but the number of the members of said corporation shall not exceed fifty, and all rights and privileges which were vested in said corporation under said act of April eleventh, eighteen hundred and forty-two, and which may have been forfeited by the expiration of the same on the eleventh day of April, eighteen hundred and sixty-two, are hereby granted and continued, and all acts of the said corporation, after the expiration of said act and before the passage of this act, not inconsistent with the terms of the said act of April eleventh, eighteen hundred and forty-two, are hereby confirmed.

§ 2. The said corporation shall have power to take, hold and convey real and personal property necessary for the purpose of extinguishing fires and the preservation of engines, tools and implements of the said company, not exceeding in amount the sum of three thousand dollars, and to make such rules, regulations and by-laws for their government and election of members, from time to time, as they may deem necessary; and the corporation hereby created shall continue during the term of twenty years.

§ 3. The members of said corporation, while they

shall continue to be members thereof, shall be exempt from the performance of military duty, except in cases of war, invasion or insurrection, and from service on juries, and a certificate signed by the captain or foreman of the company, duly verified before an officer authorized to administer oaths in courts of record, by the person applying for such exemption, shall be competent evidence, in all cases, that the person to whom it is given is a member of said company at the time of the date of such certificate.

§ 4. The said corporation shall possess the general powers of a corporation, as defined in the third title of the eighteenth chapter, first part of the Revised Statutes, and shall be subject to the provisions and restrictions therein contained.

§ 5. This act shall take effect immediately, and may at any time be amended or repealed by the legislature.

Chap. 98.

AN ACT to amend the charter of the Children's Friend Society.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The society or incorporation heretofore formed in the city of Albany, under the name of "The Children's Friend Society," is hereby authorized, in addition to the objects expressed in its certificate of organization, to provide, in said city, a day home for such children as are fit objects of such charity, and especially for such as are unable or unwilling to attend ward schools; to instruct them in the rudiments of learning and work; to furnish a noon-day meal, and, in extraordinary cases, to furnish a temporary home for day and night, to destitute children.

§ 2. All persons who shall contribute annually the sum of one dollar or more, to the funds of said corporation, may be members thereof.

§ 3. The estate and concerns of said corporation shall be managed by twenty-four trustees, who shall be residents of the city of Albany, and Mary Pruyn, Sophia

Winne. Catharine Van Vechten, Agnes Pruyn, Elizabeth Taylor, Sarah H. Freeman, Phebe A. Viele. Margaret Shortis, Justina V. R. Townsend. Frances M. Olcott, Antoinette H. Van Gaasbeck, Charlotte R. Johnson, Catharine J. Douglass, Susan Grimwood Ann Hickox, Elizabeth L. Hill, Harriet McDoual, Catherine Evans, Catherine S. Rudder, Annie G. Fassett, Evelin B. Nelson, Hannah M. Cox, Mary Anne Redfield, Ellen Schuyler, are hereby appointed trustees. The trustees shall have power to choose their own president and appoint all other officers and agents necessary to conduct the concerns of the corporation, to make by-laws, and to create and fill vacancies in their own board; five trustees shall constitute a quorum for the transaction of ordinary business. A majority of the whole number of trustees shall be present at the adoption of any by-law or the choice of a president, or in filling a vacancy in the board of trustees, and the affirmative vote of two-thirds of all the trustees in office shall be necessary to create a vacancy in the office of trustee. In case of removal of a trustee from office, by vote of the board, they shall set out in their minutes the cause of removal. On the death of a trustee, or removal from the city of Albany, the vacancy may be filled by the trustees, at a meeting where the ordinary quorum shall be present.

§ 4. The board of trustees shall, in the month of January in each year, exhibit to the members of said corporation an exact amount of the receipts and expenditures of the preceding year, which amount shall be published.

§ 5. Said corporation may take, by gift, devise or bequest, subject to the laws of this state, real and personal estate, and hold the same for the benevolent purpose for which it was created, but the real estate which said corporation may hold shall not exceed the net yearly value or income of three thousand dollars. Said corporation, on purchasing real estate, may execute a mortgage thereon for the whole or any part of the purchase money, or may borrow money upon mortgage of its real estate; such mortgage may be executed under the seal of said corporation and the hand of its president.

§ 6. The said corporation shall possess the powers and be subject to the general provisions and liabilities con-

tained in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 7. This act shall take effect immediately.

Chap. 99.

AN ACT to amend an act incorporating the village of Little Falls.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-three of the act incorporating the village of Little Falls, passed April tenth, eighteen hundred and fifty, is hereby amended so as to read as follows:

Power and
duty of
trustees.

The trustees have the care and custody of the public cemetery, and may grant the right of interment therein in separate lots or otherwise; they may improve the grounds and keep the same, including the alleys, trees and fences in good condition and repair; they may purchase and keep a hearse and other conveniences for the burial of the dead; they may appoint an officer or more than one to take charge and have the care of the cemetery and property pertaining thereto, and may determine his or their compensation, and may make rules and regulations in respect to the management, care and protection of the grounds and property; they may require the payment of such prices or sums as they may deem expedient for the privilege of burial or for burial lots; they may require the owners of all lots to keep them in neat and proper order, and may make assessments upon the several lots as they may deem necessary to maintain them in neat and good order and to keep the alleys, fences and property in proper condition; but such assessment shall not exceed one dollar on each lot the first year, and not to exceed fifty cents on each lot in a year thereafter, and when assessed shall be a lien for which the lot may be sold, but shall not authorize the removal or disturbance of any grave. The cemetery fund shall be kept distinct from the other funds of the village.

§ 2. Section thirty-two of the said act is hereby amended so as to read as follows:

The trustees may also, upon the application in writing of any person owning a lot subject to be assessed as provided in this section, cause to be opened, graded and made, by means of an assessment on lots interested in the improvement as hereafter provided, any new street or new part of a street, or any part of an existing street which part has not been heretofore made and graded by means of an assessment on the lots fronting thereon, under an ordinance of the trustees of the village of Little Falls under any former charter. They may also upon the petition of persons owning at least two-thirds in extent of the ground fronting on any street or specific part of any street which has been already graded or made by means of assessment on lots fronting thereon, cause such street or specific part of a street to be regraded, improved and paved in such manner as they may deem best, by means of assessment on the lots fronting on such street or part of a street to the extent of one-half of such improvement, the other half to be paid out of the highway assessment.

Streets may
be opened.

§ 3. Section fifty-nine of the act hereby amended is amended by adding thereto as follows:

The chief fireman shall be elected by the members of the organized fire companies in said village. Such election shall be held on the first Tuesday of April in each year in said village. The respective captains of said companies shall be inspectors of election, and the polls shall be opened at two o'clock in the afternoon, and remain open two hours, and a certificate of election shall be made out and signed by said inspectors of election and filed with the clerk of said village. Said election shall be held at the same place in said village at which the annual election of trustees shall have been held next preceding such election of chief fireman.

Election of
chief engi-
neer.

§ 4. Section sixty of said act hereby amended is amended by adding thereto the following: And said clerk shall have the same power to take affidavits and acknowledgments as justices of the peace, and he shall file a duplicate of his oath of office with the clerk of the county of Herkimer, within ten days after his appointment.

Authority
of clerk.

§ 5. This act shall take effect immediately.

Chap. 100.

AN ACT to enable Jean Joseph Renier Osy, Antoine Joseph Robert and John Cogels to hold and convey real estate within this State.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jean Joseph Renier Osy, Antoine Joseph Robert and John Cogels are hereby authorized to hold and convey until the first day of January, eighteen hundred and seventy-five, the real estate now invested in them as joint tenants under the provisions of an act entitled "An act to enable Charles Joseph Xavier Knyff and others to take, hold and convey real estate within this state," passed November twenty-seventh, eighteen hundred and twenty-four.

Chap. 101.

AN ACT to amend the charter of the Washington Life Insurance Company.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of article three of the charter of the Washington Life Insurance Company is hereby amended by striking therefrom the following words, "And all premiums shall be payable in cash only."

§ 2. Section two of article seven of the said charter is hereby amended to read as follows :

"The holders of the said capital stock shall be entitled to a semi-annual net dividend out of the earnings of the company, of (but not exceeding) three and one-half per cent on the amount of stock held by them respectively, payable on and after the first days of February and August in every year, without deduction, said payment commencing with the first day of August, eighteen hundred and sixty-three."

§ 3. Section one of article eight of said charter is hereby amended to read as follows:

"The company, within sixty days next after the expiration of five years from the first day of January, eighteen hundred and sixty-one, and within the first sixty days next after the expiration of every subsequent period of five years, shall cause a general statement to be made of the affairs of the company, which shall exhibit the amount of the then remaining net profits of the company, after allowing a sufficient amount to reinsure all outstanding risks and to cover all other obligations. The whole amount of the net profits so ascertained as above provided, shall be credited to the account of the policy holders entitled to participate in the profits which shall be apportioned among them, and paid or applied in such manner and at such times as the board of directors may deem equitable and from time to time provide."

§ 4. This act shall take effect immediately.

Chap. 102.

AN ACT to authorize the Bank of Coxsackie to reduce its capital stock.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Bank of Coxsackie is hereby authorized to reduce its capital stock to an amount not less than one hundred thousand dollars, and the directors shall pay to the several stockholders their pro rata share of the amount of the capital so reduced within six months after they shall have determined to reduce said capital stock.

§ 2. Nothing in this act contained shall in any way change or lessen the liability of the stockholders of the said bank to the billholders or other creditors thereof, or any indebtedness or engagement now existing against said bank, or that may so exist, either absolutely or contingently, at the time when such reduction shall take place.

§ 3. This act shall take effect immediately.

Chap. 103.

AN ACT amending the charter of the Young Men's Association of the city of Buffalo, incorporated March third, eighteen hundred and thirty-seven.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Young Men's Association of the city of Buffalo is hereby authorized and empowered to take by purchase, devise, or otherwise, and to hold, grant, lease and mortgage real and personal property to the amount in value of three hundred thousand dollars, and to erect proper buildings for its accommodation.

§ 2. The executive committee of the said association is hereby authorized and empowered to fill all vacancies which may occur by death or otherwise in said committee.

§ 3. The said association is hereby authorized to unite with any other literary, historical, scientific or fine art associations, societies or institutions existing in the city of Buffalo, in the purchase of land and in the erection of buildings thereon, for their mutual accommodation, upon such terms and conditions as may be agreed upon between the parties.

§ 4. This act shall take effect immediately.

Chap. 104.

AN ACT to extend the time specified in section thirteen of chapter fifteen of the Laws of eighteen hundred and sixty-three, for the collection of taxes in the said section named.

Passed April 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes specified in section thirteen of chapter fifteen of the Laws of

eighteen hundred and sixty-three in relation to the levying of a tax to repay moneys borrowed to pay bounties and for other purposes, is hereby extended until the first day of June, eighteen hundred and sixty-three; and the collectors or receivers of taxes of the several towns, cities and wards in this State, having in their hands any assessment roll mentioned or provided for in the said section, shall proceed forthwith according to law, to collect the same with or without the usual warrant therefor; but said collector or receiver shall not proceed so to collect until he shall have renewed his bond or given a new bond according to law in double the amount of the taxes to be collected, with such sureties as shall be required by the supervisor or other proper officer or authority of his town, city or ward; and the powers, duties and liabilities of the collector or receiver, having such roll and his sureties shall be continued until the first day of June, eighteen hundred and sixty-three, and until he is discharged according to law.

§ 2. This act shall take effect immediately.

Chap. 105.

AN ACT to authorize the board of supervisors of the county of Kings to borrow money to finish, complete and furnish a court house for said county.

Passed April 7, 1863; three-fifths being present.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of the county of Kings is hereby authorized, under the direction of the board of supervisors thereof, to borrow on the credit of said county a sum not exceeding one hundred and twenty-five thousand dollars, and to issue bonds in such form as the said board may prescribe for the payment of the same, with interest payable annually, or semi-annually, as the said board may direct; the money so borrowed to be expended, under the direction of said board, in the erection, finishing, completion and furnishing, of a building or buildings for the accommodation of the courts and

county officers of said county ; such bonds shall be issued in the name of and under the seal of the county of Kings, and shall be signed by the chairman of the board of supervisors of the county, and the county treasurer, and countersigned by the clerk of the board of supervisors. The said clerk shall keep a record, showing the date, amount and rate of interest of said bonds respectively, with the time they may become due.

§ 2. The said board of supervisors shall cause to be levied by tax upon the taxable property of said county, and collected and paid, annually such sums as may be necessary to pay interest on the money so borrowed, and to pay the principal in annual installments as the same becomes due ; the number and times of payment of such installments shall be determined by the said board of supervisors when they shall give the first directions to the county treasurer to borrow money under this act ; and the treasurer shall immediately apply the money, so collected and paid to him, towards the payment of the interest and principal of the money so borrowed.

§ 3. This act shall take effect immediately.

Chap. 106.

AN ACT to amend the charter of the Metropolitan Fire Insurance Company in the city of New York.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Metropolitan Fire Insurance Company having commenced the business of marine insurance, as authorized by the act of the thirty-first of January, one thousand eight hundred and fifty-three, entitled "An act to authorize the Metropolitan Fire Insurance Company, in the city of New York, to increase the number of their directors," it shall be lawful for the board of directors of that corporation to increase the capital stock of said company, as prescribed by the nineteenth section of chapter four hundred and sixty-six of the Laws of one thousand eight hundred and fifty-three,

to an amount not exceeding one million of dollars, including its present capital.

§ 2. The name of the said corporation shall hereafter be the "Metropolitan Insurance Company," but nothing in this act contained shall in any way impair any right or liability of the said corporation in relation to any insurance or contracts heretofore made, but any suit or suits in relation thereto, or in relation to any other matter, shall hereafter be brought by or against the said corporation by its new corporate name.

§ 3. This act shall take effect immediately.

Chap. 107.

AN ACT to incorporate the General Saenger Bund Association of the city of New York.

Passed April 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Gottfried Vogel, Paul Erkelenz, Joseph Alsheimer, William Meyer, Christoph Nirmaier, Gustav Duerholz, Oscar Cartheuser, August Uhlig, Heinrich Neese, August Schmidt, Adolph Kirchner, Freiderich Kassner and Charles Knelles, their associates and successors are hereby constituted a body corporate under the name of "The General Saenger Bund of the city of New York," to be located in said city, having for its object the promotion of artistic taste in general and of vocal music in particular, by the practice and performance of sacred and secular music, and by the establishment of a school for gratuitous instruction in singing and music, and to consolidate the various singing societies of the city of New York and the neighboring cities into one corporate body, to be composed of delegates from said singing societies, and to be called "The General Saenger Bund of the city of New York," with power to take by purchase, devise (subject to all provisions of law) or otherwise, and to hold, transfer, mortgage and convey such real and personal estate as shall be necessary for the purposes of the corporation, the net annual income of which shall not exceed the amount of ten thousand dollars.

§ 2. The said corporation shall have power to prescribe rules and orders for its general government, for the admission and expulsion of members, for the election, term of service, number and duties of its officers, and for the direction and management of its affairs.

§ 3. The control and disposal of the funds, property and estate of the said corporation shall be vested in a board of trustees of not less than fifteen nor more than twenty-five, of which board the president, vice-president and secretary of the corporation shall be members, and said board of trustees shall represent at least two-thirds of the societies belonging to the said corporation. Said trustees shall be elected annually, at the time and in the manner provided for by the by-laws of the said corporation, and shall hold office until their successors are elected. No trustee shall receive a compensation for his services.

§ 4. The said Gottfried Vogel, Paul Erkelenz, Joseph Alsheimer, William Meyer, Christoph Nirmaier, Gustav Duerholz, Oscar Cartheuser, August Uhlig, Heinrich Neese, August Schmidt, Adolph Kirchner, Friedrich Kassner and Charles Knelles, named in the first section of this act, shall be the first board of trustees of the corporation hereby created until the first annual election shall be held.

§ 5. The institution hereby incorporated shall be subject to the supervision of the regents of the university, and shall also be subject to the provisions of chapter eighteen of the first part of the Revised Statutes, as far as the same are applicable.

§ 6. This act shall take effect immediately.

Chap. 108.

AN ACT to enable the board of supervisors of the county of New York to raise money by tax, and incur and audit claims for county purposes.

Passed April 8, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the several amounts authorized and required by existing laws to be raised by tax

in the city and county of New York, for the use of the State, and for defraying a portion of the contingent and other charges and expenses of said city and county, for the year one thousand, eight hundred and sixty-three, the board of supervisors of said county are hereby empowered and required, as soon as conveniently may be after the passage of this act, to order and cause to be raised by tax, on the estates subject to taxation according to law, within the said county, and to be collected according to law, the following sums of money, for the several purposes hereinafter specified, deducting from the aggregate amount thereof the estimated revenues of the county for the said year, not otherwise specially appropriated by law, that is to say :

Advertising, thirty thousand dollars ; no one paper to receive over two thousand five hundred dollars.

Contingencies, comptroller's office, three thousand dollars.

County contingencies, forty-one thousand and thirty-three dollars and seventy-four cents.

Election expenses, seventy-two thousand dollars.

Construction of Harlem river (Third avenue) bridge, one hundred and thirty-three thousand two hundred and fifty dollars.

Removal of incumbrances from the harbor, four thousand dollars.

Lighting and cleaning and supplies for county offices, twenty-six thousand dollars.

New York law institute, for rent of library rooms, five thousand seven hundred and eighty-three dollars and thirty-four cents.

Officers' and witnesses' fees, fifty thousand dollars.

Printing, stationery and blank books, thirty thousand dollars.

Repairs to county buildings and offices, twelve thousand dollars.

Rents, eleven thousand dollars.

Salaries, legislative department, five thousand seven hundred dollars.

Salaries, executive departments, seventy-two thousand and fifty dollars.

Salaries, judiciary, two hundred and thirty-eight thousand and four hundred and fifty dollars.

Salaries, judiciary, for payment to the widow of Edward C. West, deceased, late surrogate, five thousand dollars.

Support of prisoners in the county jail, five thousand dollars.

Support of detained witnesses, four thousand dollars.

And the said supervisors are also hereby authorized and required to order and cause to be raised, in the manner aforesaid, such additional amount of money as may be necessary to supply any deficiency in the product of the taxes of and for the year one thousand, eight hundred and sixty-two, which were authorized to be levied and raised for city and county purposes, and which were based upon assessments which the supreme court of the United States have adjudged and declared to be in part erroneous. The proceeds of all stock heretofore specially authorized, by the laws of this state, to be created and issued, for the construction of buildings in said county, shall be expended and applied only in discharge of claims when properly audited and allowed, as a county charge, by said supervisors, who are hereby authorized and directed to superintend and construct said buildings.

§ 2. This act shall take effect immediately.

Chap. 109.

AN ACT authorizing the appraisal and payment of damages to James Morrison, Horatio N. Curtis, Charles J. Hayden, Phillip Nier, Thomas H. Hyatt, and the firms of C. J. Ryan and company, and Flint and Olcott, caused by a break in the Erie canal.

Passed April 8, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required, within the year eighteen hundred and sixty-three, to ascertain and appraise, upon evidence taken in such manner as said canal board shall direct, and as they shall deem sufficient, the damages (if any) for which the State is liable, sustained by James Morri-

son, Horatio N. Curtis, Charles J. Hayden, Phillip Nier, Thomas H. Hyatt and Charles L. Flint, Milton Olcott, composing the firm of Flint and Olcott and Charles J. Ryan, James M. Whitney, John Sheridan and John Dempsey, composing the firm of C. J. Ryan and company, respectively, all of the city of Rochester, Monroe county, caused by a break in the Erie canal, in or near the said city of Rochester, near the culvert over Deep Hollow creek, on the ninth day of January, eighteen hundred and sixty-three, and if upon examination it shall be ascertained that any damages have been sustained by them respectively, or any of them, for which the State is legally liable, said canal board shall make an award for the same.

§ 2. The treasurer shall pay on the warrant of the auditor, such sums (if any) as shall be awarded under the provisions of this act, out of any moneys appropriated, or to be appropriated, for canal awards; and the said auditor is authorized and directed to draw such orders upon such appraisals being made.

§ 3. This act shall take effect immediately.

Chap. 110.

AN ACT authorizing the appraisal and payment of canal damages to Jane Laverty, caused by a break in a reservoir upon the Genesee Valley canal, in the town of Belfast in the county of Allegany.

Passed April 8, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the canal commissioner in charge of the Genesee Valley canal, to hear and determine the claim of Mrs. Jane Laverty, for damages alleged to have been sustained by her, from a break in the reservoir of the Genesee Valley canal, in the town of Belfast, in the county of Allegany, on or about the twenty-eighth day of September, eighteen hundred and sixty-one, and if, upon examination, it shall be ascertained by him that any damages have been sus-

tained by the said Jane Lavery, by reason of the break in said reservoir, for which the State is equitably liable, said canal commissioner shall award to her such sum as he shall deem just and right, not exceeding one hundred and fifty dollars, and shall file said award in the office of the auditor of the canal department.

§ 2. The treasurer shall pay on the warrant of the auditor of the canal department, such sum if any, as shall be awarded under the provisions of this act, out of any moneys appropriated or to be appropriated for the payment of canal awards or damages.

Chap. 111.

AN ACT authorizing the appraisal and payment of damages to Pamela Zoller, widow of Jacob Zoller, John Zoller, Anastasia Zoller, George Zoller, French Zoller and Albert Zoller, children of Jacob Zoller, deceased, caused by overflow in the Erie canal, in the town of Minden, Montgomery county.

Passed April 8, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal commissioner to hear and determine the claim of Pamela Zoller, widow of Jacob Zoller, and John Zoller, Anastasia Zoller, George Zoller, French Zoller and Albert Zoller, children of Jacob Zoller, deceased, for damages alleged to have been sustained by them, from an overflow in the Erie canal, in the town of Minden, Montgomery county, in the year eighteen hundred and fifty-three, and if, upon examination, it shall be ascertained that any damages have been sustained by them, in consequence of the leakage and overflowing for which the State is legally liable, said commissioner shall make an award for the same, subject to appeal to the canal board, as in other cases.

§ 2. The treasurer shall pay on the warrant of the auditor, such sum, if any, as shall be awarded under

the provisions of this act, out of any moneys appropriated or to be appropriated for the payment of canal awards.

§ 3. This act shall take effect immediately.

Chap. 112.

AN ACT to amend chapter three hundred and eighty-six of the Laws of eighteen hundred and sixty-two.

Passed April 8, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and eighty-six of the Laws of eighteen hundred and sixty-two, is hereby amended by striking out all after the word "appropriated," in the first section of said chapter, and inserting the words "or to be appropriated for extraordinary repairs on the western division of the canals."

§ 2. This act shall take effect immediately.

Chap. 113.

AN ACT in relation to the Bureau of Military Statistics.

Passed April 8, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the chief of the bureau of military statistics to collect and preserve, in permanent form, an authentic sketch of every person from this State who has volunteered into the service of the general government since the fifteenth day of April, eighteen hundred and sixty-one, and likewise a record of the service of the several regiments, which shall include an account of their organization and subsequent history and operations, together with an account of the aid afforded by the several towns and counties of this State, and an abstract of such statistics shall accompany the

annual report of the adjutant-general. For the compensation of clerks and necessary expenses of said bureau, the sum of six thousand dollars, or so much of that amount as shall be necessary, is hereby appropriated; the compensation of said clerks to be paid in monthly installments, at a rate not exceeding twelve hundred dollars per year, on the certificate of the chief of said bureau, and the said chief shall exercise the powers conferred by this act for the term of one year from the first day of June next, and all correspondence which shall be conducted in pursuance of this act shall be carried on in his name.

§ 2. This act shall take effect immediately.

Chap. 114.

AN ACT to amend an act entitled "An act to incorporate the New York Warehousing Company," passed April eighth, eighteen hundred and fifty-seven.

Passed April 9, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of the act entitled "An act to incorporate the New York Warehousing Company," passed April eighth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

The affairs, concerns and business of the corporation hereby created, shall, from and after the first Wednesday after the first day of April, eighteen hundred and sixty-three, be managed and conducted by and under the direction of five trustees, who shall respectively be stockholders. The first five trustees shall be elected on the said first Wednesday, at the place and in the manner prescribed by the by-laws of said corporation; and thereafter, the said trustees shall be elected annually, at such time and in such manner as the by-laws of the company may prescribe.

§ 2. Section ten of the said act is hereby amended so as to read as follows:

The receipts, warrants or warehouse certificates, issued

by this corporation for goods, wares and merchandise in their possession or under their control, shall in all cases be signed by the secretary of the corporation and attested by the corporate seal, and a copy thereof shall be registered in a book kept for that purpose by said secretary, and shall be at all times open for the inspection of dealers with the said corporation, and may be transferred by endorsement thereof; and any person to whom the same may be so transferred, shall be deemed and taken to be the owner of the goods, wares and merchandise therein specified, so far as to give validity to any pledge, lien or transfer made or created by such person or persons, but no property shall be delivered except on surrender and cancellation of said original receipt, warrant or certificate. Every such receipt, warrant or warehouse certificate, shall contain on its face a notice that the property mentioned therein is held by this corporation as bailees only, and is not insured by this corporation.

§ 3. This act shall take effect immediately.

Chap. 115.

AN ACT to provide for the extension of the Chenango canal from its present termination at or near the village of Binghamton, to the North Branch canal, at the state line.

Passed April 9, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioners shall, from time to time, as funds shall be appropriated, extend the Chenango canal from its present termination at or near the village of Binghamton, down the Susquehanna valley, by the most advantageous route, to the state line near Athens, Pennsylvania, so as to connect the same with the North Branch canal of Pennsylvania; said extension shall be let by contract, at the lowest price, with adequate security for its performance, public notice being first given of the lettings, according to the provisions of law.

§ 2. Said extension shall be of the same width and depth and size of structures as the Chenango canal, except so far as improvement in permanency, or otherwise may be obtained, without increasing the expense and without interfering with the usefulness and permanency of the work.

§ 3. But no expenditure shall be made nor allowed under this act, until the State of Pennsylvania, or a company of reliable responsibility, incorporated under its laws, shall satisfy the canal board of this State that ample and certain provisions have been made to complete a navigable canal from the said state line down to and form a connection with the North Branch canal, at or near the village of Athens, in said State of Pennsylvania.

Chap. 116.

AN ACT to establish a free school in district number one in the town of Hempstead.

Passed April 10, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Formation
of district.

SECTION 1. School district number one in the town of Hempstead, in the county of Queens, shall form a permanent school district, and shall not be subject to alteration by the commissioner of common schools for the district in which it is situated.

Boundaries.

§ 2. The boundaries of said district shall remain as at present on the west and south; but shall hereafter on the east, run from the house of John Pettit to the house of Stewart S. Haff, thence to the house of Lewis F. Randall, thence to the house of Jacob Bates, and thence running north to the line dividing the town of North Hempstead, thence along the district school boundary to the place of beginning.

Board of
education.

§ 3. The said district shall be under the direction of a board, to be styled "The Board of Education," which board shall consist of five members, three or more of whom shall constitute a quorum for the transaction of business. John Harold, Wm. M. Carmichael, Richard Brower, Richard Ingraham and A. V. Cortelyou, shall compose

the first board of education, and shall hold their office from one to five years. that is to say, one shall go out of office in each year, and in the order in which their names stand recorded in this section.

§ 4. The board of education shall fill all vacancies which may happen by death, resignation, or removal from the district; the members so appointed shall hold their office until the next annual meeting, and at each annual election a person shall be elected to supply the place of any member of the board so appointed, and the person thus elected shall serve out the unexpired term.

Vacancies
how filled.

§ 5. At the annual meeting of said district in each year, there shall be elected, one member of said board of education, to serve five years, who shall be a resident and taxable inhabitant of said district. Said election, and all other elections provided for by this act, shall be held by three inspectors, who shall be appointed by the board of education, at least thirty days preceding such election; and said election shall be by ballot; and due notice shall be given, by publishing a notice of said election in the village newspapers at least three weeks previous to said election, and shall be conducted in the same manner as the annual election of village officers.

Election of
members.

§ 6. The said board of education shall, at their first annual meeting, choose one of their number for president, and one for secretary, and one for treasurer, who shall hold their offices for one year. The treasurer shall execute a bond for the faithful performance of his duties in such form and with such sureties as the said board shall approve, and such bond shall be deposited with the president of said board; the said board may make all necessary by-laws for their government; they shall have the entire control and management of all the common schools within the said district, and all the property belonging to the same; they shall have, and possess within the said district, all the rights, powers and authority of commissioners of common schools; they may appoint a collector with all the powers and duties of a district collector, or may employ the town or village collector for that purpose, and such collector shall collect, and pay over the school moneys assessed upon said district, to the treasurer of the board of education in the same manner, and under

President,
secretary
and treasurer.

Bond of
treasurer.

Powers of
board.

the same conditions, as is imposed by the laws of the town or village of which he is collector. They shall require one or more of the members of said board to visit each school in said district at least once in each week, to render such assistance to the teachers, and advice to the pupils as may be necessary, and see that the regulations are rigidly adhered to.

Tax may be
levied.

§ 7. The said board of education are hereby authorized and directed to levy and collect by tax in each year, upon all the taxable property in said district, such sums as may be necessary, not exceeding in amount one-fourth of one per cent, on the value of such taxable property, as the same shall be assessed by the assessors of the town of Hempstead, or incorporated village of Hempstead. And the said board shall add to the amount of any warrant for the collection of taxes such amount as they shall deem proper, as collector's fees for collection, which compensation, however, shall in no case exceed five per cent, on the amount of any warrant and on all sums voluntarily paid to the treasurer of the board of education, before the warrant is placed in the collector's hands, only one per cent shall be charged as collector's fees.

Public
moneys.

§ 8. The supervisor of the town of Hempstead, or any other officer having charge of the same, shall pay over to the treasurer of the board of education, all the public moneys to which said district number one shall be entitled for school purposes.

Annual
meetings.

§ 9. The said board of education shall call an annual district meeting at such time in the year as they may think proper, and shall submit thereto a full report in writing of their doings as such board, and shall state therein the number and condition of the schools in said district under their charge, and the number of scholars attending the same, the studies pursued, the amount of moneys received from the state as well as the amount required in the district for school purposes, and the expenditure of the same, and generally all the particulars relating to schools in said district, which report shall, immediately after it is made, be published in the newspapers published in the village of Hempstead two successive weeks.

Library.

§ 10. The board of education shall have control and charge of the district school library in said district; they may employ a librarian, make such additions to the li-

brary, and such regulations in relation thereto, as they may deem necessary; but no books shall be loaned to residents out of the district.

§ 11. A school for colored children may be organized as a district school, and be supported as the other schools in said district are under this act.

Colored children.

§ 12. The said board of education may call special meetings of said district whenever they may deem it necessary; they shall give notice of the same by posting up a written or printed notice thereof, in at least four public places in said village, and by publishing the same in a newspaper published in the village of Hempstead, at least one week previous to the time fixed for said meeting, which notice shall state the time and place of such meeting, and the purpose for which the same is called; and no business shall be transacted at any such special meeting, except that stated in the notice calling the same.

Special meetings.

§ 13. This act shall take effect immediately.

Chap. 117.

AN ACT to amend the charter of the village of Cohoes, in relation to street superintendent and police constables.

Passed April 10, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of the act entitled "An act to amend the charter of the village of Cohoes," chapter three hundred and fifty-two, passed April twelfth, eighteen hundred and fifty-five, is hereby amended by adding at the end of the third paragraph of said section the following words, viz.: "And at each annual election there shall be elected one street superintendent for said village, and one police constable in and for each ward in said village, whose respective terms of office shall be one year."

§ 2. This act shall take effect immediately.

Chap. 118.

AN ACT to authorize the North America Life Insurance Company to retire its capital stock, and to insure against injury to travelers.

Passed April 11, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever it shall appear to the satisfaction of the superintendent of the insurance department that the North America Life Insurance Company is in a condition to provide for all its liabilities. (after paying to the stockholders the par value of their stock and the amount of two per cent per annum. placed to their credit as a reserve fund, as provided for in the charter of said company,) and possesses actual assets and money in hand, securely invested, independent of future premiums and other contingent income, to the amount of five hundred thousand dollars, the directors of said company may proceed to retire its capital stock, in the manner set forth in their said charter, but the deposit in the insurance department of one hundred thousand dollars, shall remain intact and undisturbed, notwithstanding such retirement of the capital stock of said company.

§ 2. It shall be lawful for said company to insure against injury to persons while traveling.

§ 3. This act shall take effect immediately.

Chap. 119.

AN ACT relative to lands in the city of New York, devised by Benjamin Townsend, deceased.

Passed April 11, 1863 ; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Petition.

SECTION 1. On the petition of Samuel T. Townsend and his descendants, in being (such descendants, while infants, petitioning by a next friend), the supreme court, at a special term thereof, held in the city of New York,

may authorize the sale in fee of the interest of the issue of said Samuel T. Townsend, in all those twenty-six lots of ground situate on the Seventh avenue, Forty-ninth and Fiftieth streets, in the city of New York, devised by Benjamin Townsend in and by the fourth clause of his last will and testament, bearing date the second day of June, eighteen hundred and forty-five, to his son, Samuel T. Townsend, for life, and "immediately after to his lawful issue" (such issue being at the date hereof infants under fourteen years of age), which said lots of land are known on a map of part of the estate of Elizabeth Hopper, deceased, made by George B. Smith, city surveyor, dated March nineteenth, eighteen hundred and twenty-seven, as lots numbered one (1) to twenty-six (26), both inclusive; and also of the interest of the issue of the said Samuel T. Townsend in all those two lots of ground situate on the Eighth avenue in said city, and known as numbers six hundred and thirty-four (634) and six hundred and thirty-five (635) on the map of the Hermitage, similarly devised by said Benjamin Townsend in and by the third clause of his said will, or in any part or parts thereof, from time to time, as may be judged expedient and calculated to promote the interests of the descendants of said Samuel T. Townsend, whether yet in being or not. The court shall appoint one or more suitable persons as guardians of the infant descendants of said Samuel T. Townsend in relation to the proceedings on such application.

§ 2. Such sale or sales shall be made under the direction of the supreme court, sitting at any special term in the city of New York, by auction or at private sale; and the proceeds arising from such sale or sales shall be invested in such manner, from time to time, as the said court shall direct, and shall be applied to the use of the same persons, and be subject to the same limitations, as provided for in the will of the said Benjamin Townsend, in relation to the interest of such issue in said lots of land: provided, always, that the court may direct the reimbursement out of the proceeds of such sale or sales, to the life tenant, of such proportion of any assessments imposed on said premises or any part thereof, for permanent improvements, and which have heretofore been, or may hereafter be, paid by the life tenant, as accord-

Supreme
court may
order sales.

ing to law and the practice of the court, is chargeable against the remaindermen. Any sale or sales made pursuant to this act shall be reported to the court, and, if approved, the said court shall confirm the same and direct a conveyance to be executed by such of the descendants of said Samuel T. Townsend, as may then be in being, and of full age, and by a referee appointed by the court to act on behalf of the infant and unborn descendants of said Samuel T. Townsend.

Effect of
sales.

§ 3. All sales and conveyances made as aforesaid, in pursuance of such authority or direction, shall be valid and effectual to vest in the purchaser and his assigns a fee simple absolute in and to the lands so conveyed, as against all the descendants of said Samuel T. Townsend, whether in being or not.

§ 4. This act shall take effect immediately.

Chap. 120.

AN ACT to authorize the board of supervisors of the county of Otsego to raise by tax upon the taxable property of the town of Otsego, in said county, the sum of four thousand five hundred and thirty dollars and fifty cents, to be appropriated to pay the damage and cost of altering and widening a public highway or street in the village of Cooperstown in said town of Otsego.

Passed April 11, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of Otsego county are hereby authorized and empowered to raise by tax upon the taxable inhabitants and property of the town of Otsego, in said county of Otsego, the sum of four thousand five hundred and thirty dollars and fifty cents, which tax shall be levied and collected as taxes for highway purposes are usually levied and collected in said county of Otsego.

§ 2. The money collected as above provided shall be paid over to the trustees of the village of Cooperstown, in said town of Otsego, to be by them appropriated to pay the damages, and interest and costs of altering and widening a public highway or street in said village, heretofore awarded and allowed to divers persons in consequence of said alteration and widening of said highway or street by said trustees, in the month of April, eighteen hundred and sixty-two.

Chap. 121.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester, passed April the eighth, eighteen hundred and sixty-one.

Passed April 11, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-three of the act entitled "An act to amend and consolidate the several acts relating to the city of Rochester," passed April the eighth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

§ 33. The aldermen of the city shall constitute the common council thereof. The common council shall determine the rules of its proceedings, judge of the qualifications of its members, and have power to compel their attendance. It shall meet at such times and places as it shall from time to time designate, and on special occasions as the mayor shall appoint, in writing, a copy of which shall be served on all the members of the common council, personally, or by leaving the same at the place of residence or business of such member as shall not be personally served.

Common
council and
its duties.

§ 2. Section thirty-four of said act is hereby amended so as to read as follows:

§ 34. The common council shall at its first regular meeting in the month of April in each year, select from its number and appoint a president for the year, and in

President
of council.

case of a vacancy supply his place. The president shall preside at all the meetings of the common council, and have a vote on all questions, but shall not have a casting vote. All motions, resolutions, ordinances and propositions submitted to said common council, in respect to which the members present and voting, shall be equally divided, shall be deemed to be lost. In case of the temporary absence or inability of the president, the common council shall appoint from their number a temporary president.

§ 3. Section thirty-five of said act is hereby amended so as to read as follows :

Vote of
members.

§ 35. In all proceedings of the common council each member present shall have a vote. The mayor shall be entitled to be present at all meetings of the common council, but shall have no vote.

§ 4. Section fifty of said act is hereby amended so as to read as follows :

Ordinances
to be ap-
proved by
mayor.

§ 50. Before any ordinance, resolution or order of the common council, concerning any public improvement or for the payment of money or any ordinance, resolution or act of a legislative character, passed by the common council, shall have any force or effect, a transcript of such ordinance, resolution, order or act, shall be presented to the mayor for his approval ; if he approves, he shall indorse his approval thereon, in writing, and sign such approval ; if he disapproves, he shall return such transcript to the common council or the clerk thereof, with his objections in writing, which shall be filed by the clerk, and the common council shall at its next meeting thereafter proceed to reconsider such ordinance, resolution, order or act, thus disapproved, and if the same shall be passed by two-thirds of all the members of the common council, then in office, the same shall have full force and effect, notwithstanding the objections of the mayor. If any such transcript shall not be returned by the mayor to the common council or clerk, within five days after it shall have been presented to him (Sundays excepted), such ordinance, resolution, order or act shall have full force and effect in like manner as if duly approved by the mayor, unless the term of office of the mayor shall expire within five days after such transcript shall be pre-

sent to him, in which case such ordinance, resolution, order or act shall have no force.

§ 5. Section fifty-seven of said act is hereby amended by adding thereto as follows : Duties of clerk.

It shall also be the duty of the clerk immediately after the close of each session of the common council to make and present to the mayor, a transcript of every ordinance, resolution and order concerning any public improvement or for the payment of money, and of every ordinance, resolution, order and act of a legislative character passed by the common council at such session for the approval of the mayor; which transcripts after being returned by the mayor shall be filed by him and kept in his office, and when approved by the mayor shall be duly recorded with the approval, and shall also be recorded, when the same shall go into effect without the approval of the mayor.

§ 6. Section fifty-nine of said act is hereby amended so as to read as follows :

§ 59. The treasurer shall receive all the moneys belonging to the city except such as are required to be in the keeping of the comptroller, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct. He shall monthly, and at the first regular meeting of the common council each month, deliver to the clerk thereof to be laid before the common council a just and true statement of the condition of the several funds mentioned in the eighty-fifth section of this act, and all other funds on the day of such meeting of the common council, setting forth the exact balance then remaining in each fund, which statement shall be duly verified by the oath of the said treasurer, and shall be filed by the said clerk. For neglect or refusal on the part of the treasurer to prepare and deliver such statement as above provided, he shall forfeit and pay ten dollars for the first day, and for every day he shall so neglect or refuse subsequent to the first, he shall forfeit and pay five dollars, which penalties may be sued for and recovered by the city of Rochester. All moneys drawn from the treasury shall be drawn in pursuance of an order of the common council by warrant, signed by the clerk. Such warrant shall specify for what Duties of treasurer.

Issuing of warrants.

purpose the amount therein contained is to be paid, and the clerk shall keep an account, under the appropriate heads of all expenditures, of all orders drawn upon the treasury in a check book to be kept by him for that purpose. But no warrant, check, or draft shall be signed by the clerk, or be paid or accepted by the treasurer, the effect of which shall be to overdraw any of the funds aforesaid, or when there shall not be money in the treasury applicable to the payment of such warrant, check or draft, to pay the same in full. Any violation of this provision by the clerk or treasurer shall be a misdemeanor, and shall subject the offender to a fine of not less than ten dollars nor exceeding one hundred dollars, and it shall be the duty of the district attorney of the county of Monroe, to prosecute any person so violating this provision on the complaint of any tax-payer of the city of Rochester. The books and accounts of the treasurer shall at all reasonable hours be open to the inspection of any elector of said city. At the last regular meeting of the common council in the month of March in each year, the treasurer shall make a report, exhibiting a full account of the receipts and expenditures during the last preceding year, and from the date of the last like report, and also the state of the treasury and the funds aforesaid; which report and account shall be referred to a committee for examination.

§ 7. Section eighty-five of said act is hereby amended so as to read as follows:

§ 85. For the purpose of paying such expenses the common council may raise annually a sum not exceeding eighteen thousand dollars to be appropriated to the lighting of said city; a further sum not to exceed fourteen thousand dollars for the support of the police department; a further sum not to exceed fifteen thousand dollars to defray all charges against the city for the general contingent expenses thereof; a further sum not exceeding twelve thousand dollars to defray the expenses of fire engines, engine houses, cisterns, reservoirs, apparatus, and preparation for preventing and extinguishing fires; a further sum not exceeding ten thousand dollars as a general fund for the construction and repair of streets, alleys, lanes and bridges; a further sum not exceeding fifteen thousand dollars for the support and relief of the

Punishment
for viola-
tions of this
section.

Moneys to
be raised.

poor of said city ; a further sum not exceeding twenty thousand dollars to procure a supply of water for the extinguishment of fires, and for use in the public buildings, fountains and reservoirs of the city and for the cleansing of the sewers therein ; a further sum not exceeding two thousand dollars for the maintenance and improvement of public parks in said city ; a further sum not exceeding four thousand dollars to defray the expenses of the board of health, and a further sum not exceeding one thousand dollars for the repair of sewers. The said common council shall also raise annually by tax, with the general taxes of said city, an amount sufficient to pay interest upon all the bonds issued by the said city, and also all the principal or installments of principal of said bonds falling due within the then current fiscal year, for the payment of which, provision shall not be otherwise made in pursuance of the provisions of this act. In addition to the sum authorized to be raised in each year for the construction and repairs of highways, the common council are hereby authorized to raise by tax in said city annually, a sum not exceeding three thousand three hundred dollars for the purpose of cleaning and keeping in repair the following avenues or such of them as have been or may hereafter be permanently improved between the points indicated : North street, from Main street to the railroad ; New Main street, from Scio street to the city line ; East avenue, from Main street to the city line ; Monroe street, from Clinton street to Alexander street ; Mount Hope avenue, from the Erie canal to Mount Hope cemetery entrance ; West avenue, from the Erie canal to the city line ; Lyell street, from State street to the city line ; Lake avenue, from Ambrose street to McCracken street ; Plymouth avenue, from the Genesee Valley canal to the city line ; South avenue, from the Erie canal to the city line ; North St. Paul street, from the railroad to Scranton street ; and a further sum not exceeding two hundred dollars for the purpose of cleaning and keeping in repair North St. Paul street, from Scranton street to the city line. But no more than three hundred dollars for each of said streets or avenues shall be raised or expended upon the same, nor more than two hundred dollars upon North St. Paul street, from Scranton street to the city line in any one year. The common council

shall annually at the time of the appointment of the city officers and as often as a vacancy shall occur. appoint one commissioner for each of the aforesaid streets and avenues, and also one commissioner for North St. Paul street, from Scranton street to the city line, who shall at the time of his appointment, be a resident and a tax-payer on the street or avenue for which he is appointed, who shall possess the same power over the street or avenue for which he was appointed, subject to the direction and instruction of the common council, that the street superintendent has over the other streets in the city; and who shall without pay or reward, superintend the cleaning to be done and the repairs to be made on said streets or avenues; the expenditure of the money to be raised therefor, and in all cases shall keep and furnish a just and true account under oath of the several items of expenditure. No such expenditure shall be allowed by the common council, unless such statement of the items be presented, sworn to, and filed. But no money shall be raised for nor expended upon either of the streets or avenues above mentioned from the public funds, unless such street or avenue shall have been previously permanently improved between the points above mentioned, either by being paved or macadamized. No member of the common council shall vote for the payment of any money out of any of the general funds herein named, or out of any other fund in the city treasury, knowing that such fund is without money to pay the same, and any person violating this provision, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars, and be imprisoned in the Monroe county penitentiary for the period of ten days; and the district attorney of the county of Monroe is hereby specially directed and it shall be his duty to prosecute all persons violating this provision, upon the complaint of any tax-payer of said city. The surplus money remaining in any general fund at the end of the fiscal year, shall be placed to the credit of the sinking fund of said city.

§ 8. Section one hundred and twenty-two of said act is hereby amended so as to read as follows:

Prohibition
as to draw-
ing money.

§ 122. No money shall be drawn from the city treasury unless it shall have been previously appropriated to

the purpose for which it shall be drawn, and all ordinances, resolutions and orders directing the payment of money, shall specify the object and purpose of such payment, and the particular fund from which payment is to be made, and the same with the approval of the mayor, shall be certified by the clerk of the common council, to the city treasurer, before any payment shall be made by him.

§ 9. Section one hundred and twenty-eight of said act, as amended by chapter one hundred and thirty-two of the Laws of eighteen hundred and sixty-two, is hereby amended by adding thereto the following:

The expenses incurred by giving public notice as aforesaid, shall be paid by the county treasurer out of the additional charges authorized by this section.

Payment of
expenses.

§ 10. Section one hundred and thirty-three of said act is hereby amended so as to read as follows:

§ 133. The said county treasurer shall on or before the first day of April in each year transmit to the comptroller of the State an account of the unpaid taxes on said rolls, verified by his affidavit, and shall also deposit a duplicate of such account and affidavit in the clerk's office of Monroe county; and all the provisions of the Revised Statutes relative to the duties of the county treasurer and of the comptroller in respect to unpaid taxes, shall apply to the county taxes levied and assessed in the city of Rochester, so far as the same are not inconsistent with the provisions of this act.

Treasurer
to account.

§ 11. Subdivision six of section one hundred and forty, of said act, is hereby amended so as to read as follows:

Six. The amount to be raised for teachers' wages and contingent expenses in any one year shall not be less than one dollar nor more than two dollars for every scholar over the age of five years and under the age of sixteen years, within said city, according to the preceding annual enumeration directed to be made by section one hundred and forty-two of the city charter; nor shall the amount to be raised in any one year to lease, alter, improve and repair school houses and their out houses and appurtenances exceed three thousand dollars; nor shall the amount to be raised in any one year to purchase and improve sites and build or enlarge school houses exceed ten thousand dollars; and the common council of said

Amount to
be raised
for teach-
ers' wages.

city are authorized and directed, when necessary, to raise by loan, in anticipation of taxes, the money to be raised collected and levied as aforesaid.

§ 12. Subdivision twelve, section one hundred and forty-two of said act, is hereby amended so as to read follows:

Board of
education
to report.

Twelve. On or before the second Tuesday of October in each year, to make and file with the county clerk or such other officer as may be designated by law, a report in writing, bearing date the first day of October in the year, and stating:

First. The number of school houses in said city, and an account and description of all the common schools kept in said city during the preceding year and the time they have been severally taught.

Second. The number of children taught in said schools respectively, and the number of children over the age of five years, and under the age of sixteen years, residing in said city on the last day of September previous.

Third. The whole amount of school moneys received by the city treasurer of said city during the year preceding, distinguishing the amount received from the county treasurer, from the city tax and from any other source.

Fourth. The manner in which such moneys have been expended, and whether any and what part remain unexpended, and for what cause.

Fifth. The amount of money received for tuition fees from foreign pupils during the year, and the amount paid for teachers' wages, in addition to the public moneys, and such other information relating to the common schools of the said city as may, from time to time, be required by the State Superintendent of common schools.

§ 13. Section one hundred and fifty-one of said act is hereby amended by adding thereto the following:

When
board of
education
not to vote
for pay-
ment of
money.

No member of the board of education shall vote for the payment of any money out of any of the funds authorized to be raised by section one hundred and forty of the city charter, knowing that such fund is without money to pay the same, and any person violating this provision shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than one hundred dollars, and be imprisoned in the Monroe county penitentiary for the period of ten days. And the

district attorney of the county of Monroe is hereby specially directed, and it shall be his duty to prosecute all persons violating this provision, upon the complaint of any tax-payer of said city.

§ 14. Section two hundred and twelve of said act, is hereby amended so as to read as follows:

§ 212. Except, as the common council may otherwise determine or direct, it shall in all cases be the duty of the owner of every lot or piece of land in said city, to keep the sidewalks adjoining his lot or piece of land, and also the half of the street or alley adjoining the same in good repair, and also (if the premises are not actually occupied) to remove and clear away all snow and ice and other obstructions from such sidewalk. The common council may, by resolution, as often as it deems proper and necessary, give public notice by advertisement in the daily newspapers published and printed in the said city, for thirty days, requiring all owners of such lot or lots or pieces of land, to repair the sidewalks adjoining the same, and in case such owner or owners shall fail or neglect so to repair said sidewalks within the said thirty days, then and in that case the common council may authorize the superintendent of streets to make such repairs, and the expenses thereof shall be a debt against such owner or owners, and may be sued for and collected against such owner or owners, in the same manner as other debts and with the like effect. Whenever such expenses cannot be collected by action and execution as aforesaid, the same, together with all expenses incurred by said action not exceeding the sum of fifty dollars exclusive of costs, shall be added to the amount of the general city tax on the land of such owner or owners, in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and (if not paid or collected) the land sold therefor in the same manner as for such tax. The common council are authorized to assess the lands of non-residents of said city for the expense of cleaning and repairing streets and sidewalks and removing nuisances, and the said expense shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of the non-pay-

Repairing
of side-
walks, by
owners of
adjoining
lands.

Suit, in case
of neglect.

Expenses
and pay-
ment there-
of.

ment of the same, as in relation to the assessments for public improvements in said city.

§ 15. This act shall take effect immediately.

Chap. 122.

AN ACT to improve the navigation of the Hudson river, to make an appropriation for that purpose, and to appoint commissioners for the expenditure of the same.

Passed April 13, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of removing obstructions to and improving the navigation of the Hudson river, between the city of Troy and the village of New Baltimore.

Commissioners.

§ 2. The State Engineer and Surveyor, Thomas Schuyler, Alfred Van Santford, John W. Harcourt and Lemuel H. Tupper are hereby appointed commissioners, and are hereby authorized and empowered to superintend and control the expenditure of the said sum of one hundred thousand dollars appropriated by the first section of this act, in such manner and at such points and places in said Hudson river between Troy and New Baltimore, as they or a majority of them, shall determine and agree.

Expenditures to be verified.

§ 3. The Comptroller of this State is hereby authorized to draw his warrant on the Treasurer of the State for the payment of any money expended by the said commissioners, not exceeding the amount appropriated by the first section of this act, provided the expenditure of the same is verified in due form by the oath of the said commissioners, or a majority of them, upon the presentation of the order of the said commissioners and the production of the vouchers that the sum or sums so ordered to be paid by them has been expended for the purpose of improving the navigation of the said Hudson river as aforesaid, or that the labor, material or machinery has been

either duly performed or furnished, and that the said sums so ordered to be paid by them shall contain no charge for services as such commissioners, except for actual expenses or disbursements in the discharge of the duties created by this act.

§ 4. The said commissioners appointed by the second section of this act shall, before they are authorized to draw upon the Comptroller of the State for any of the money appropriated by the first section of this act, execute to the people of the State of New York a bond in the penal sum of one hundred thousand dollars, with satisfactory sureties, conditioned that they will faithfully discharge their duties as said commissioners, and truly account to the Comptroller of the State for the expenditure of all moneys received by them under this act, which bond shall be approved by the Comptroller and Treasurer of the State, which accounting shall take place within thirty days after the expenditure of said money.

Bond of
commis-
sioners.

§ 5. The commissioners are hereby directed to make application to the general government for the reimbursement of the amount expended pursuant to this act.

Application
to congress.

§ 6. The said commissioners shall not be interested, either directly or indirectly, in any contract made pursuant to this act under a penalty, if so interested, of twenty thousand dollars each, to be sued for and recovered by the Comptroller of the State.

Commis-
sioners not
to be inter-
ested in
contracts.

§ 7. This act shall take effect immediately.

Chap. 123.

AN ACT to incorporate the "New York Medical College for Women."

Passed April 14, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Louisa Ewen, Nancy Fish, Maria L. Os-
canyou, Elizabeth S. S. Eaton, Martha A. Elliot, Augusta
T. C. Niven, Angelina Newman, of New York city; Ma-
tilda C. Perry, of Albany city; Maria S. Connolly, of
New York city; Elizabeth Ransom, of Fort Hamilton,
N. Y.; Jane Ward, Sarah Ann Martin, Elvina A. Lane,

Sarah A. King, Laura M. Ward, Anna C. Van Ness, Georgianna Gray, Francis S. Rugg, Mary Camerden, Harriet C. White, Kate Bulkley, Eliza A. King, Sarah Andrews, of New York city; Maria Fowle, of Brooklyn, N. Y.; Lydia E. Rushby, Mary F. James, Charlotte Wells, Margaret Austin, of New York city, and Samantha S. Nivison, of Tompkins county, N. Y., and their associates, are hereby constituted a body corporate, by the name of the "New York Medical College for Women," to be located in the city of New York, for the purpose of instruction in the department of learning in medical science professed and taught by said college.

May hold property.

§ 2. The said corporation may hold and possess real and personal estate to the amount of one hundred thousand dollars, and the funds or property thereof shall not be used for any other purpose than that declared in the preceding section. The said corporation may also hold such collections of books and of the productions of nature and of art, as it may need for purposes of medical and clinical instruction.

Trustees.

§ 3. The persons severally named in the first section of this act are hereby appointed trustees of the said corporation, with power to fill any vacancy in their board.

Power of trustees.

§ 4. The trustees, for the time being, shall have power to grant and confer the degree of doctor of medicine upon any person of the age of twenty-one years, of good moral character, upon the recommendation of the board of professors, who shall be appointed by the trustees of said college; but no person shall receive a diploma conferring such degree unless said person shall have pursued the study of medical science for at least three years, after the age of sixteen, with some physician or surgeon, duly authorized by law to practice in the profession, and shall also, after that age, have attended two complete courses of all the lectures delivered in some incorporated medical college, the last of which course shall have been delivered by the professors of said college.

Visitation of regents.

§ 5. The said college shall be subject to the visitation of the regents of the university, and shall annually report to them.

Revised Statutes.

§ 6. The corporation hereby created shall possess the powers and be subject to the provisions and liabilities of

title three, chapter eighteen of the first part of the Revised Statutes.

§ 7. The legislature may at any time alter, modify or repeal this act.

§ 8. This act shall take effect immediately.

Chap. 124.

AN ACT relative to common schools in the city of New York.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The last clause of the first subdivision of the third section of the act entitled "An act to amend, consolidate and reduce to one act the various acts relative to common schools of the city of New York," passed July third, eighteen hundred and fifty-one, as amended by the ninth section of an act entitled "An act relative to common schools in the city of New York," passed June fourth, one thousand eight hundred and fifty-three, is hereby further amended by inserting therein the word "five," instead of "four," so that the said sentence shall read as follows:

"But the aggregate amount so reported shall not exceed the sum of five dollars for each pupil who shall have actually attended and been taught the preceding year, in the schools entitled to participate in the apportionment."

§ 2. This act shall take effect immediately.

Chap. 125.

AN ACT to repeal an act entitled "An act in relation to school libraries in the city of New York," passed April thirteenth, one thousand eight hundred and sixty.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act in relation to school libraries in the city of New York," passed April thirteenth, one thousand eight hundred and sixty, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 126.

AN ACT to authorize the justices of the peace in certain towns in Kings county to hold inquests in certain cases.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever any dead body shall be found in the water or upon the shore bordering the towns of New Utrecht, Gravesend, Flatlands and New Lots, and no coroner shall appear to hold an inquest thereon within three hours after the discovery of such body, it shall be lawful for any justice of the peace residing in the town in which such body shall be found, to hold an inquest thereon, and all the provisions of the Revised Statutes, under the title "Of Coroners' inquests," shall apply to inquests so held and to the officers holding the same.

§ 2. This act shall take effect immediately.

Chap. 127.

AN ACT to amend an act passed April sixteenth eighteen hundred and sixty, entitled "An act to amend an act passed April seventh, eighteen hundred and fifty-nine, to amend an act to incorporate the Monroe and Haverstraw Road Company," passed March tenth, eighteen hundred and twenty-four.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of "An act to incorporate the Monroe and Haverstraw road company," passed March tenth, eighteen hundred and twenty-four, is hereby amended by adding at the end thereof the words following: "In addition to the above named persons, their heirs and assigns, every person assessed for highway labor in road districts numbers twenty-three, twenty-eight, six and seven, in the town of Haverstraw, shall be entitled to vote at the annual meeting for the election of officers to manage said road, and that the president of said road company, and the overseers of highways in said districts numbers twenty-three, twenty-eight, six and seven, or a majority of them, shall have power to call annual meetings, and designate the places where such meetings shall be held; and all persons or corporations assessed for highway labor in said road districts numbers twenty-three, twenty-eight, six and seven, shall be exempt from the payment of tolls on said road, to an amount equal to the sum such person or corporation is assessed for such highway labor."

§ 2. This act shall take effect immediately.

Chap. 128.

AN ACT relating to the Oswego Falls Bridge.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The expense incurred by the commissioners of highways of the town of Volney, in the rebuilding and repairing of the Oswego Falls bridge, after the burning thereof on the fourth day of October, eighteen hundred and sixty-two, shall be audited by the board of town auditors of the town of Volney, and the amount so audited, over and above the money in the hands of said commissioners properly applicable to the purpose of such repairs, shall be a proper charge against said town of Volney.

§ 2. It shall be lawful for, and the duty of the supervisors of the county of Oswego, at their next session, to levy the amount so audited upon the taxable property of the said town of Volney; and the amount so levied shall, when collected, be paid over to the commissioners of highways of said town, to reimburse said commissioners for the advances made by said commissioners in the rebuilding and repairing of said bridge.

§ 3. This act shall take effect immediately.

Chap. 129.

AN ACT for the relief of Squire A. Warren.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear, examine and determine the claim of Squire A. Warren, for damages alleged to have been sustained by him, in consequence of a breach in the waste weir, on the Champlain canal, within the limits of lands owned by the said Squire A. Warren, in the town of Kingsbury, in the county of Washington, and if.

in the judgment of the canal appraisers, damages have been sustained by the person above named, for which the State is legally liable, the appraisers shall make such award therefor as in their judgment shall be just and legal, after taking into account what damages, if any, have been heretofore paid.

§ 2. The Treasurer shall pay on the warrant of the auditor of the Canal Department, to the above named person, such sum as may be awarded under the provisions of this act, out of any moneys appropriated, or to be appropriated, for canal damages.

§ 3. This act shall take effect immediately.

Chap. 130.

AN ACT to reduce the State assessment upon village property in the county of Tioga, and to refund the excess of tax imposed on said property.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Comptroller is hereby authorized and required to deduct from the assessment of the taxable property of the county of Tioga, as made and equalized by the board of State assessors for the year eighteen hundred and sixty-two, the sum of seven hundred and twenty-five thousand dollars; that amount having been erroneously added to the value of taxable property in said county as village property. And the Comptroller is also authorized and required to refund to said county of Tioga, the amount of tax which may have been or shall be paid into the treasury upon such excess of seven hundred and twenty-five thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 131.

AN ACT to authorize the canal board to hear and determine certain claims against the State for work done and materials furnished on account of the enlargement and completion of the canals.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board is hereby authorized and required to hear and examine the claims for work done and materials furnished under the direction of the canal commissioner of the middle division of the canals, since the first day of September, one thousand eight hundred and sixty-two, to complete the construction of the De Ruyter reservoir and protect the work done before the said first day of September last; and also to hear and examine the claims for work done and materials furnished since the first day of September, one thousand eight hundred and sixty-two, under the contract for the construction of the Erie Basin and Slips in the city of Buffalo, made with Lewis Selye on the fourth of March, one thousand eight hundred and fifty-eight, and to make such awards in each of said cases as to the said board may seem just and proper and may be a fair compensation for the work done and materials furnished, having reference to the prices therefor fixed by the contracts under which the construction and completion of said works were let.

§ 2. The treasurer shall pay on the warrant of the Auditor of the Canal Department, such sum or sums as shall be awarded in each of the above cases, and to the party or persons named in the award made under the first section of this act, out of any money in the treasury appropriated, or to be appropriated, to the payment of final estimates due to contractors, or out of any money in the treasury appropriated, or to be appropriated, to the payment of any extraordinary repairs and improvements upon the division of the canals on which such works are located.

Chap. 132.

AN ACT to incorporate the Davenport Institution for Female Orphan Children.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ira Davenport, Charles Davenport, John Davenport, Ira Davenport, Junr., Eliza C. Waterman, Christina C. Rogers, Fanny Davenport, Reuben Robie, and Guy H. McMaster, are hereby constituted a body corporate by the name of "The Davenport Institution for Female Orphan Children," to be located in the town of Bath, in the county of Steuben, and by that name shall have perpetual succession, with all the powers and privileges conferred upon corporations by the Revised Statutes. The said corporation may take and hold by gift, grant or devise, real and personal property, the yearly income or revenue of which shall not in the aggregate exceed twenty thousand dollars, and may sell and dispose of any such real or personal property, except the buildings occupied for the purposes of their incorporation, with their appurtenances.

Corporation may hold property.

§ 2. The objects and purposes of said corporation are hereby declared to be to feed, clothe and educate orphan female children.

§ 3. The persons named in the first section of this act shall be the first trustees of the said corporation, a majority of whom shall be a quorum for transacting business. The trustees shall have power to fill all vacancies which may occur in their number, to appoint such officers and agents as they may see fit, and to make all such by-laws, rules and regulations for the management and government of the affairs of the said corporation, in all respects as they may deem proper. They shall also require and take ample security for the faithful performance of official duties from every officer or agent entrusted with the receipt, disposal, or disbursement of any money or property belonging to said corporation.

Trustees and their powers.

§ 4. Orphans to be supported and educated at such institution, shall be preferred and selected in the follow-

Selection of orphans.

ing order, viz.: first, orphans who are inhabitants of the county of Steuben, shall have a preference in their application for admission into such institution; second, orphans who are inhabitants of Allegany county in this State; and third, orphans who are inhabitants of any other county in this State; but no child shall be received into such institution, unless the officers of said institution are satisfied that she is of sound body and mind; and if any child who has been received into such institution shall become incapacitated in the judgment of its officers for improvement, it shall be the duty of the superintendents of the poor of the county from whence the child was received into such institution, to receive and to take care of her as one of the poor of such county.

Prohibition
on trustees.

§ 5. The trustees of said corporation shall not have power to contract any debt or to expend in any year more than the income or yearly revenue from the corporate funds of said institution, and the property real and personal of said corporation shall be forever exempt from sale upon any debts purporting to have been contracted by the trustees thereof, nor shall such property be used for other purposes than the education and support of female orphan children who may be received into said institution, nor shall it be incumbered by the trustees of said corporation by mortgage or otherwise.

Exemption
of property
from sale.

Statement
of exempt
property.

§ 6. It shall be the duty of the trustees of said corporation from time to time, and at least once in three years to cause a statement to be made under the corporate seal describing the property so exempted, and file and record the same in the office of the clerk of the county of Steuben, in the book of miscellaneous records of said county.

Exemption
from taxa-
tion.

§ 7. The real and personal property of said corporation, to the extent it is authorized to hold the same, is hereby exempted from taxation for State, county, town and village or municipal purposes, except for local improvements.

Supervisors
may receive
funds of in-
stitution.

§ 8. The board of supervisors of the county of Steuben may, from time to time, by a vote of two-thirds of the members thereof, receive from the trustees of the corporation hereby created a part or the whole of the funds belonging to said institution for any length of time, provided said county shall pay to said trustees seven per

cent per annum interest upon such loan which the said board of supervisors are hereby authorized to do, until the principal shall be paid, such interest to be a part of the yearly revenue of said institution.

§ 9. The board of supervisors of said county of Steuben may appoint two trustees for said institution to act with the other trustees of the same, and whose further duty it shall be to examine into the affairs and progress of said institution, and to make an annual report as to its situation and progress for publication, and no part of the funds of said corporation shall be used to pay its trustees, inspectors or officers, except when by a vote of at least seven of its members, it shall decide such payment to be necessary for the welfare of the institution.

Supervisors
may ap-
point two
trustees.

§ 10. The said Ira Davenport is hereby authorized and empowered to give, grant, devise and bequeath to the aforesaid corporation, by his last will and testament, or otherwise, any such portion of his estate as he may choose so to give, grant, devise or bequeath, any existing act or statute to the contrary notwithstanding, and the said corporation may take, hold and manage any property so devised and bequeathed to it on such terms and conditions not inconsistent with the laws of the State as may have been prescribed by the donor.

Ira Daven-
port may
devise, &c.,
his estate to
said corpo-
ration.

§ 11. This act shall take effect immediately.

Chap. 133.

AN ACT to confirm the proceedings of the common council of the city of Buffalo, in relation to local improvements in Main street, in said city.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The proceedings of the common council of the city of Buffalo in ordering the following improvements: The grading of Main street, in said city, fifty feet wide, and the paving of a carriage way therein forty-two feet wide, and curbing on both sides of said carriage way from a point one hundred and sixty-five feet north-erly from Ferry street to the southerly end of the bridge

across Scajaquada creek, and the constructing of all necessary cross-walks, sewers and receivers, and the placing of platform stones in said street between said points, are hereby in all things confirmed; and the proceedings of said common council in making the assessment to defray the expenses of the several improvements above mentioned are hereby in like manner confirmed. And the said assessment is hereby declared to be legal and valid, with the like effect in all respects as if all the proceedings of the said common council and of all other city officers of said city, relative to the several above mentioned improvements, had been in strict accordance with the provisions of the revised charter of said city of Buffalo, as the same is contained in an act entitled "An act to revise the charter of the city of Buffalo and to enlarge its boundaries," passed April thirteenth, one thousand eight hundred and fifty-three, and the several acts amending the same and in addition thereto.

§ 2. This act shall take effect immediately.

Chap. 134.

AN ACT to amend an act entitled "An act for the incorporation of companies formed to navigate the lakes and rivers," passed April fifteenth, one thousand eight hundred and fifty-four.

Passed April 15, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any company or corporation which has been or which may hereafter be formed under the act entitled "An act for the incorporation of companies formed to navigate the lakes and rivers," passed April fifteenth, one thousand eight hundred and fifty-four, may increase or diminish the number of its directors by complying with the provisions of the act entitled "An act to permit the Buffalo Elevating and Storing Company to change the number of its directors," passed April eighteenth, one thousand eight hundred and fifty-nine.

Chap. 135.

AN ACT making appropriations for the support of government for the fiscal year commencing on the first day of October, in the year eighteen hundred and sixty-three.

Passed April 15, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums, or such part of them as shall be authorized by law, are hereby appropriated from the several funds and sources of revenue, to the several objects specified in this act, for the fiscal year commencing on the first day of October, eighteen hundred and sixty-three, namely :

FROM THE REVENUE OF THE GENERAL FUND—EXECUTIVE DEPARTMENT.

For salary of the governor, pursuant to chapter three hundred and seventy-six of the Laws of eighteen hundred and twenty-nine, four thousand dollars. Governor.

For salary of the private secretary of the governor, pursuant to chapter sixty-four of the Laws of eighteen hundred and fifty-eight, to be paid in monthly installments, two thousand dollars. Private secretary.

For compensation of clerks and messenger in the executive department, pursuant to chapter sixty-four of the Laws of eighteen hundred and fifty-eight, four thousand and ninety-five dollars. Clerks, &c. in executive department.

For rent and taxes of the house occupied by the governor, pursuant to part one, chapter nine, title one, section thirteen of the Revised Statutes, three thousand five hundred dollars. Rents and taxes.

For incidental expenses of government, pursuant to volume one, chapter nine, title one, section fourteen of the Revised Statutes, one thousand five hundred dollars. Incidental expenses of government.

For apprehension of fugitives from justice, pursuant to part four, chapter three, title seven, section forty-five of the Revised Statutes, one thousand dollars. For apprehension of fugitives.

COURT OF APPEALS AND SUPREME COURT.

For salaries of the judges of the court of appeals, pursuant to chapter two hundred and seventy-seven of the Judges of court of appeals.

Laws of eighteen hundred and forty-seven, and chapter seven hundred and ninety-two of the Laws of eighteen hundred and fifty-seven, thirteen thousand five hundred dollars.

Clerk of court of appeals.

For salary of the clerk of the court of appeals, pursuant to chapter two hundred and seventy-seven of the Laws of eighteen hundred and forty-seven, two thousand dollars.

Deputy clerk.

For salary of the deputy clerk of the court of appeals pursuant to chapter two hundred and seventy-seven of the Laws of eighteen hundred and forty-seven, one thousand and five hundred dollars.

Clerks.

For compensation of the clerks in the office of the clerk of the court of appeals, three thousand dollars.

Furniture.

For furniture, books, binding, blanks, printing, and other necessary expenses of the office of the clerk of the court of appeals, one thousand dollars.

Constables.

For compensation of constables for attendance upon the court of appeals, pursuant to chapter four hundred and twenty-nine of the Laws of eighteen hundred and forty-seven, five hundred dollars.

Justices of supreme court.

For salaries of the justices of the supreme court, pursuant to chapter two hundred and seventy-seven of the Laws of eighteen hundred and forty-seven, and chapter seven hundred and ninety-two of the Laws of eighteen hundred and fifty-seven, one hundred and thirteen thousand and five hundred dollars.

State reporter.

For salary of the state reporter, pursuant to chapter two hundred and seventy-seven of the Laws of eighteen hundred and forty-seven, two thousand dollars.

ATTORNEY GENERAL'S OFFICE.

Attorney general.

For salary of the attorney general, pursuant to chapter four hundred and ninety-nine of the Laws of eighteen hundred and forty-seven, two thousand dollars.

Deputy attorney general.

For salary of the deputy attorney general, pursuant to chapter three hundred and eighty-five of the Laws of eighteen hundred and fifty-five, one thousand five hundred dollars.

Clerk and messenger.

For compensation of clerk and messenger in the office of the attorney general, one thousand and fifty dollars.

Furniture.

For furniture, books, binding, blanks, printing, and other necessary expenses of the office of the attorney general, five hundred dollars.

For costs of suit, fees of sheriffs, compensation of witnesses, and for expenses and disbursements by the attorney general, pursuant to part three, chapter four, title ten of the Revised Statutes, two thousand five hundred dollars. Costs, &c.

For compensation of counsel employed to assist the attorney general, pursuant to chapter three hundred and fifty-seven of the Laws of eighteen hundred and forty-eight, two thousand dollars. Counsel.

SECRETARY'S OFFICE.

For salary of the secretary of state, pursuant to chapter three hundred and ninety-nine of the Laws of eighteen hundred and fifty-four, two thousand five hundred dollars. Secretary of state.

For salary of the deputy secretary of state and as clerk of the commissioners of the land office, pursuant to part one, chapter nine, title one, section three of the Revised Statutes, one thousand five hundred dollars. Deputy secretary.

For compensation of clerks in the office of the secretary of state, for indexing the Session Laws of eighteen hundred and sixty-three, and all other clerical duties incident to that office, eight thousand five hundred dollars, out of which including a custodian of the archives of the department, shall be employed an archivist of the old records of the department. Clerks.

For furniture, books, binding, blanks, printing, and other necessary expenses of the office of the secretary of state, one thousand two hundred dollars. Furniture, books, &c.

COMPTROLLER'S OFFICE.

For salary of the comptroller, pursuant to part one, chapter nine, title one, section three, of the Revised Statutes, two thousand five hundred dollars. Comptroller.

For salary of the deputy comptroller, pursuant to chapter three hundred and eighty-one of the Laws of eighteen hundred and fifty-seven, two thousand dollars. Deputy comptroller.

For salary of the accountant and transfer officer, in the office of the comptroller, one thousand seven hundred and fifty dollars.

For compensation of the clerks in the office of the comptroller, eleven thousand three hundred dollars. Clerks.

For furniture, books, binding, blanks, printing, and other necessary expenses of the office of the comptroller, one thousand two hundred dollars. Furniture, books, &c.

TREASURER'S OFFICE.

Treasurer. For salary of the treasurer, pursuant to chapter three hundred and seventy-six of the Laws of eighteen hundred and twenty-nine, one thousand five hundred dollars; and for compensation for countersigning transfers and assignments of securities made in the banking department, pursuant to chapter one hundred and three of the Laws of eighteen hundred and fifty-seven, one thousand dollars.

Deputy treasurer. For salary of the deputy treasurer, pursuant to chapter two hundred and seventy-four of the Laws of eighteen hundred and forty-one, one thousand five hundred dollars.

Clerks. For compensation of clerks in the office of the treasurer, two thousand five hundred dollars.

Furniture, books, &c. For furniture, books, binding, blanks, printing and other necessary expenses of the office of the treasurer, five hundred dollars.

LAND OFFICE.

Land office. For expenses of public lands and the compensation of the lieutenant governor and of the speaker of the assembly, for their attendance as commissioners of the land office, two thousand dollars.

DEPARTMENT OF PUBLIC INSTRUCTION.

Superintendent of public instruction. For salary of the state superintendent of public instruction, pursuant to chapter ninety-seven of the Laws of eighteen hundred and fifty-four, two thousand five hundred dollars.

Deputy superintendent. For salary of deputy superintendent of public instruction, one thousand five hundred dollars.

Clerks. For compensation of clerks in the department of public instruction, two thousand dollars.

Expenditures. For expenditures of the department of public instruction, pursuant to part one, chapter fifteen, title two, section ten of the Revised Statutes, three hundred dollars.

Furniture, books, &c. For furniture, books, binding, blanks, printing and other necessary expenses of the office of the superintendent of public instruction, one thousand dollars.

ENGINEER AND SURVEYOR'S OFFICE.

Deputy state engineer. For salary of the deputy state engineer and surveyor, pursuant to chapter six hundred and thirty-three, of the

Laws of eighteen hundred and fifty-seven, two thousand dollars; and for compensation of clerks to assist him in the preparation of railroad reports, one thousand five hundred dollars; and for the expenses of printing and binding said reports, five thousand dollars. The afore-said salary, compensation, printing and binding, whether ordered by the legislature or otherwise, shall be repaid to the treasury by the several railroad companies of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the Laws of eighteen hundred and fifty-five.

Clerks.

For compensation of clerks in the office of the state engineer and surveyor, two thousand eight hundred and fifty dollars.

Clerks in engineer's office.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the state engineer and surveyor, five hundred dollars.

Furniture, books, &c.

BANKING DEPARTMENT.

For expenses of the banking department, for salary of the superintendent, compensation of clerks, furniture, books, binding, blanks, printing and other necessary purposes, to be refunded to the treasury, pursuant to chapter one hundred and sixty-four of the Laws of eighteen hundred and fifty-one, and chapter one hundred and three of the Laws of eighteen hundred and fifty-seven, thirty thousand dollars.

Banking department.

INSURANCE DEPARTMENT.

For expenses of the insurance department, for salary of the superintendent, compensation of clerks, furniture, books, binding, blanks, printing, and other necessary purposes, to be refunded to the treasurer, pursuant to chapter three-hundred and sixty-six of the Laws of eighteen hundred and fifty-nine, ten thousand dollars.

Insurance department.

STATE ASSESSORS.

For compensation of the state assessors and their traveling expenses, pursuant to chapter three hundred and twelve, of the Laws of eighteen hundred and fifty-nine, to each of them one thousand five hundred dollars.

State assessors.

OFFICE OF WEIGHTS AND MEASURES.

For salary of the superintendent of weights and measures, pursuant to chapter one hundred and thirty-

Weights and measures.

four of the laws of eighteen hundred and fifty-one, five hundred dollars.

STATE PRISONS.

State
prison
inspectors.

For salaries of the inspectors of state prisons, pursuant to chapter four hundred and ninety-nine of the Laws of eighteen hundred and forty-seven, to each of them, one thousand six hundred dollars; and for their traveling expenses, to each of them, four hundred dollars.

Support of
prisons.

For the support and maintenance of the several state prisons pursuant to chapter two hundred and forty of the Laws of eighteen hundred and fifty-four, three hundred thousand dollars.

Compensation
to
sheriffs for
transporting
convicts.

For compensation of sheriffs for the transportation of convicts to the prisons, pursuant to chapter one hundred and twenty-three of the Laws of eighteen hundred and forty-nine, sixteen thousand dollars.

Purchase of
books for
convicts.

For the purchase of books for the use of convicts at the state prison at Sing Sing, three hundred dollars; for those at the prison at Auburn, two hundred dollars; for those at the prison at Clinton, one hundred dollars; for those at the asylum for insane convicts, fifty dollars, to be purchased under the direction of the chaplains respectively of those institutions.

INSANE CONVICTS.

Insane con-
victs.

For the support and maintenance of the asylum for insane convicts, pursuant to chapter one hundred and thirty of the Laws of eighteen hundred and fifty-eight, fourteen thousand dollars.

Female
convicts.

For the maintenance of insane female convicts at the state lunatic asylum, six hundred dollars.

COMMISSIONERS OF PUBLIC ACCOUNTS.

Public ac-
counts.

For compensation and mileage of the commissioners of public accounts, pursuant to chapter two hundred and twenty-three of the Laws of eighteen hundred and sixty-two, one thousand five hundred dollars.

INSPECTOR OF GAS METRES.

Inspector
of gas me-
tres.

For salary of the inspector of gas metres, and contingent expenses, pursuant to chapter one hundred and sixteen of the Laws of eighteen hundred and sixty, two thousand five hundred dollars; which amount shall be repaid to the treasury by the gaslight companies, pur-

suant to chapter three hundred and eleven of the Laws of eighteen hundred and fifty-nine; and it shall be the duty of the inspector of gas metres to make to the comptroller of the State, a return of all the gaslight companies doing business in this State, and of the amount of their several capital stocks, and until such return is made, the salary of such inspector shall not be paid. •

AUCTIONEERS' ACCOUNTS.

For compensation of the agent to examine the accounts of auctioneers, pursuant to chapter three hundred and ninety-nine of the Laws of eighteen hundred and forty-nine, eight hundred dollars.

Auctioneers' accounts.

MILITARY APPROPRIATIONS.

For the purchase of uniforms and equipments, pay of officers and privates, and other expenditures authorized by chapter four hundred and seventy-seven of the Laws of eighteen hundred and sixty-two, entitled "An act to provide for the enrollment of the militia, the organization and discipline of the national guard of the State of New York, and for the public defense," the sum of two hundred thousand dollars.

Military appropriations.

POSTAGE AND OTHER EXPENSES OF PUBLIC OFFICES.

For postage of official letters and documents of the governor, clerk of the court of appeals, attorney general, secretary of state, comptroller, treasurer, superintendent of public instruction, state engineer and surveyor, adjutant general and inspector general, three thousand two hundred dollars.

Postage and expenses for public offices.

For stationery for public offices, pursuant to chapter three hundred and thirteen of the Laws of eighteen hundred and forty-eight, three thousand five hundred dollars.

Stationery.

For fuel for the capitol, the state hall and the state library, pursuant to chapter three hundred and ten of the Laws of eighteen hundred and forty-two, three thousand dollars.

Fuel.

For expenses of the capitol and state library for repairs, cleansing, labor, gas, and other necessary purposes, eight thousand dollars; for salary of the superintendent, nine hundred dollars.

Expenses of capitol, and state library.

For expenses of the state hall for repairs, cleansing, labor, gas, and other necessary purposes, including the

State hall

compensation of the superintendent, four thousand five hundred dollars.

Regents.

For expenses of the regents of the university, for printing, stationery, postage, compensation of messenger, and other necessary purposes, one thousand dollars; for salary of the secretary, two thousand dollars.

**Hall for
state cabi-
net of natu-
ral history
and agri-
cultural
museum.**

For expenses of the hall for the state cabinet of natural history, and the agricultural museum, which hall is hereby placed under the joint care and custody of the regents of the university and the executive committee of the state agricultural society, for superintendence, repairs, cleansing, labor, gas, fuel, and other necessary purposes, the bills and charges for which shall be audited and paid only on the joint certificate of the secretary of the board of regents of the university and of the secretary of the state society for the promotion of agriculture, two thousand two hundred dollars; for the increase and preservation of the state cabinet of natural history, eight hundred dollars; provided that no part of said sum shall be paid to the curator, except to reimburse him for the actual expenses incurred incident to such duties.

Curator.

For salary of the curator of the state cabinet of natural history, one thousand dollars; and said curator shall report to the legislature annually.

**State li-
brary.**

For expenses of the state library, for the purchase of books, three thousand dollars; for binding, lettering and marking books, one thousand two hundred dollars; for transportation of books, and other necessary expenses, seven hundred and fifty dollars; for international and state exchanges, four hundred dollars; for salaries of the two librarians and their assistants, four thousand dollars; for compensation of the janitor, five hundred dollars.

PALEONTOLOGIST.

**Paleontolo-
gist.**

For salary of the State paleontologist, pursuant to the terms of the contract made with him by the commissioners, for completing the natural history of the State, as authorized by chapter five hundred and thirty-nine of the Laws of eighteen hundred and fifty-five, two thousand dollars; and for the collection of fossils, to be employed in the preparation of the fourth volume of the paleontology of the State, pursuant to the same contract, one

thousand dollars; and for the preparation of drawings of fossils for the same purpose, one thousand dollars.

COMMISSIONERS OF PILOTS.

For the board of commissioners of pilots for the expenses actually and necessarily incurred by them in executing the several laws relating to the harbor of New York, such expenses to be certified to the comptroller under the oath of the president and secretary of said board, four thousand five hundred dollars; provided that all fines and penalties collected by said board for violation of such laws, be first paid into the treasury or accounted for under the oath of the president and secretary of said board; and provided, also, that no sum shall be paid or allowed in account to said board as or for compensation.

Commissioners of pilots.

AGRICULTURAL SOCIETY.

For donations to the state society for the promotion of agriculture and to agricultural societies in the several counties of this State, pursuant to chapter two hundred and ninety-nine of the Laws of eighteen hundred and forty-eight, ten thousand dollars; and for the salary of the entomologist of the state society for the promotion of agriculture, one thousand dollars.

For the Iroquois agricultural society, two hundred and fifty dollars.

WASHINGTON'S HEAD-QUARTERS.

For compensation of the keeper of "Washington's Head-Quarters," at Newburgh, one hundred dollars.

JAMES MINOR.

For the annuity of James Minor, pursuant to chapter two hundred of the Laws of eighteen hundred and fifteen, sixty dollars.

THE LEGISLATURE.

For compensation of members and officers of the legislature, ninety thousand dollars.

For advances to the clerks of the Senate and Assembly, for contingent expenses, sixteen thousand dollars.

For postage, expenses of committees, compensation of witnesses, the legislative manual, Croswell's manual,

clerk's manual, and other contingent expenses of the legislature, sixteen thousand dollars.

STATE PRINTING.

For printing for the State, including binding, mapping, engraving, publication of the official canvass, and other official notices, pursuant to chapter four hundred and twenty-four of the Laws of eighteen hundred and forty-six, and chapter two hundred and forty of the Laws of eighteen hundred and forty-seven, and including the report of the commissioners of the Code, one hundred thousand dollars.

MISCELLANEOUS EXPENDITURES.

For transportation of the Session Laws, of the journals and documents of the legislature, reports, books and packages by express, and for expenses of boxes, pursuant to chapter two hundred and fifty-four of the Laws of eighteen hundred and forty-seven, four thousand dollars.

For supplying to other States reports of the court of appeals and of the supreme court, pursuant to chapter five hundred and thirty-six of the Laws of eighteen hundred and thirty-six, five hundred dollars.

For compensation of sheriffs of the several counties of this State for transmitting to the secretary of state the reports of convictions by the courts of special sessions, pursuant to chapter two hundred and fifty-nine of the Laws of eighteen hundred and thirty-nine, one hundred dollars.

For expenses of books and stationery for the transfer office, at the Manhattan company, in the city of New York, two hundred and fifty dollars.

For fees of county clerks, pursuant to part one, chapter twelve, title two, section sixty-three, of the Revised Statutes, twenty-five dollars.

For fees of surrogates, twenty-five dollars.

For advances to county treasurers on account of taxes on property of non-residents, which may be returned to the office of the comptroller, twenty thousand dollars.

For repayment of money to purchasers for redemption of lands sold for taxes, fifteen thousand dollars.

For repayment of money in cases of failure to title of lands sold by the State, pursuant to part one, chapter nine, title five, section six of the Revised Statutes, three hundred dollars.

For repayment of money erroneously paid into the treasury for taxes, two thousand dollars.

For repayment of money paid into the treasury through mistake, pursuant to part one, chapter eight, title three, section fifteen of the Revised Statutes, five hundred dollars.

For payment of moneys received into the treasury for taxes for opening and improving roads, four thousand dollars.

ONONDAGA SALT SPRINGS.

For expenses of the Onondaga salt springs, salary of superintendent, compensation of clerks and other persons employed, and other necessary purposes, pursuant to chapter three hundred and forty-six of the Laws of eighteen hundred and fifty-nine, forty thousand dollars.

INDIANS

For relief of the Onondaga Indians, pursuant to chapter two hundred and six of the Laws of eighteen hundred and fifty-eight, three hundred dollars.

For compensation of the agent of the Onondaga Indians, pursuant to chapter three hundred and seventy-six of the Laws of eighteen hundred and fifty-one, one hundred dollars.

For compensation of the agent of the Onondaga Indians, on the Allegany and Cattaraugus reservations, pursuant to chapter one hundred and seventy-eight of the Laws of eighteen hundred and forty-seven, one hundred and fifty dollars.

For compensation of the attorney of the St. Regis Indians, pursuant to chapter three hundred and twenty-five of the Laws of eighteen hundred and sixty-one, one hundred and fifty dollars.

Attorney
for St. Regis
Indians.

For compensation of the attorney of the Seneca Indians, pursuant to chapter one hundred and fifty of the Laws of eighteen hundred and forty-five, one hundred and fifty dollars.

Attorney
for Seneca
Indians.

For expenses of removing intruders on Indian lands, pursuant to chapter two hundred and four of the Laws of eighteen hundred and twenty-one, two hundred dollars.

Indian
lands.

INTEREST ON STATE INDEBTEDNESS.

Stock-
bridge In-
dians.

For interest on the debt created for the benefit of the Stockbridge Indians, pursuant to chapter two hundred and eight of the Laws of eighteen hundred and forty-eight, and chapter thirty-seven of the Laws of eighteen hundred and fifty, two thousand one hundred and sixty dollars.

State stock
for Albany
basin.

For interest on state stock, issued on account of the Albany basin loan, pursuant to chapter two hundred of the Laws of eighteen hundred and forty-nine, nine thousand six hundred and twenty-nine dollars and twenty-eight cents.

Interest on
loan of
\$50,000.

For interest on the loan of fifty thousand dollars, made for extraordinary repairs and improvements of the canals, pursuant to chapter three hundred and seventy-four of the Laws of eighteen hundred and forty-nine, three thousand dollars.

Interest on
loan for Os-
wego canal.

For interest on the loan of two hundred thousand dollars, made for the completion of the Oswego canal, pursuant to chapter five hundred and one of the Laws of eighteen hundred and fifty-one, twelve thousand dollars.

Interest on
loan of
\$300,000.

For interest on the temporary loan of two hundred thousand dollars, made in eighteen hundred and fifty-eight, for the enlargement and completion of the canals, ten thousand dollars.

LUNATIC ASYLUM.

Lunatic
asylum.

For salaries of the officers of the state asylum for lunatics, pursuant to chapter one hundred and thirty-five of the Laws of eighteen hundred and forty-two, seven thousand five hundred dollars.

Mark Jack.

For the support of Mark Jack, an insane Indian, at the State lunatic asylum, two hundred dollars.

CHARITABLE INSTITUTIONS, ETC.

Charitable
Institution.

For the institution for the instruction of the deaf and dumb in the city of New York, for the instruction and maintenance of two hundred and seventy-five indigent pupils, selected by the superintendent of public instruction, at the expense of that institution, for the entire preceding year, pursuant to chapter ninety-seven of the Laws of eighteen hundred and fifty-two, forty-nine thousand five hundred dollars, or a proportionate amount for a shorter period of time, or for a smaller num-

ber of pupils, as shall be duly verified by affidavits of the president and secretary of that institution.

For payment of interest of the indebtedness of the officers of the institution for the instruction of the deaf and dumb, in the city of New York, thirteen thousand three hundred and fifty-six dollars. Deaf and dumb.

For supplying the "Radii," to the deaf and dumb persons of this State, pursuant to chapter three hundred and twenty-nine of the Laws of eighteen hundred and thirty-nine, three hundred dollars. "Radii."

For the institution for the blind in the city of New York, for the instruction and maintenance of one hundred and fifty indigent pupils, selected by the superintendent of public instruction, and maintained and instructed at that institution, at the expense of the same, for the entire preceding year, thirty thousand dollars, or a proportionate amount for a shorter period of time or for a smaller number of pupils, as shall be duly verified by affidavits of the president and secretary of that institution. Blind.

For the society for the reformation of juvenile delinquents, in the city of New York, twenty-four thousand dollars. Juvenile delinquents

For the house of refuge of Western New York, twenty-five thousand dollars. House of refuge.

For the asylum for idiots near the city of Syracuse, eighteen thousand dollars. Idiots.

FROM THE GENERAL FUND DEBT SINKING FUND.

For interest on six million three hundred and forty-six thousand nine hundred and fifty-nine dollars and fifty cents of State indebtedness, known and designated as the general fund State debt, three hundred and fifty-nine thousand seven hundred and forty-four dollars and forty-one cents. Sinking fund.

For the redemption of State stocks issued to the Ithaca and Owego Railroad Company, pursuant to chapter two hundred and ninety-five of the Laws of eighteen hundred and thirty-eight, two hundred and eighty-seven thousand seven hundred dollars. Redemption of state stocks.

For payment of annuities to the several Indian nations, seven thousand three hundred and sixty-one dollars and sixty-seven cents, to be apportioned as follows, namely : Indian annuities.
To the Onondagas, two thousand four hundred and thirty

dollars, to the Cayugas, two thousand three hundred dollars; to the Senecas five hundred dollars; and to the St. Regis Indians, two thousand one hundred and thirty-one dollars and sixty-seven cents.

FROM THE FREE SCHOOL FUND, CONSTITUTED OF THE PROCEEDS OF THE STATE TAX FOR THE SUPPORT OF SCHOOLS.

Dividends to common schools, from tax.

For dividends to the common schools of the state, one million two hundred thousand dollars, or so much of that amount as shall be received from the tax levied for the support of common schools, pursuant to chapter one hundred and eighty of the Laws of eighteen hundred and fifty-six.

FROM THE UNITED STATES DEPOSIT FUND.

U. S. deposit fund.

For dividends to the common schools of this State, pursuant to chapter two hundred and thirty-seven of the Laws of eighteen hundred and thirty-eight, and including the salaries of the school commissioners of the several counties, pursuant to chapter one hundred and seventy-nine of the Laws of eighteen hundred and fifty-six, one hundred and sixty-five thousand dollars.

Academies.

For dividends to academies, pursuant to chapter two hundred and thirty-seven of the Laws of eighteen hundred and thirty-eight, twenty-eight thousand dollars.

Addition to school fund.

For amount to be added to the capital of the common school fund, pursuant to the ninth article of the constitution, twenty-five thousand dollars.

Teachers.

For instruction of teachers of common schools, in those academies which the regents of the university shall designate for that purpose, pursuant to chapter two hundred and thirty-five of the Laws of eighteen hundred and fifty-two, eighteen thousand dollars.

Normal school.

For maintenance of the state normal school, twelve thousand dollars.

Institutes.

For maintenance of teachers' institutes in the several counties of the State, pursuant to chapter three hundred and sixty-one of the Laws of eighteen hundred and forty-seven, and chapter three hundred eighty-four of the Laws of eighteen hundred and sixty-two, eight thousand dollars.

Repayment to treasury.

For repayment of money erroneously paid into the treasury, five hundred dollars.

FROM THE COMMON SCHOOL FUND.

For dividends to the common schools of this State, one hundred and fifty-five thousand dollars. Dividends to schools.

For maintenance of Indian schools, pursuant to chapter seventy-one of the Laws of eighteen hundred and fifty-six, and for the education of Indian youth, four thousand dollars. Indian schools.

For repayment of money paid into the treasury for redemption of lands sold for arrears of consideration, pursuant to chapter four hundred and thirty-seven of the Laws of eighteen hundred and thirty-six, five hundred dollars. Repayment to treasury.

For repayment of surplus moneys received on the selling again of lands, one thousand dollars. Repayment in reselling lands.

For expenses of lands, two hundred dollars.

FROM THE LITERATURE FUND.

For dividends to academies, pursuant to chapter two hundred and thirty-seven of the Laws of eighteen hundred and thirty-eight, twelve thousand dollars. Dividends to academies, from literature fund.

For the purchase of text-books, maps, globes, philosophical and chemical apparatus, etc., for the academies, three thousand dollars.

FROM THE BANK FUND.

For interest on stock issued on the account of the bank fund, pursuant to chapter one hundred and fourteen of the Laws of eighteen hundred and forty-five, two thousand five hundred dollars. Bank fund.

For redemption of bills, pursuant to chapter one hundred and fourteen of the Laws of eighteen hundred and fifty-five, twenty dollars. Redemption of bills.

For contingent expenses, pursuant to chapter one hundred and sixty-four of the Laws of eighteen hundred and fifty-one, two hundred dollars. Contingent expenses.

§ 2. The several amounts appropriated in this act shall be paid by the treasurer, from the several funds as specified; but the comptroller shall not draw his warrant for such payment, except for salaries and other expenditures duly established by law, until the person demanding it shall present to him a detailed account, verified by affidavit, of the services for which it is claimed; and if the demand is for traveling expenses, the detailed account Duty of comptroller

Treasurer
to report.

must also specify the distance traveled, the places of starting and destination, the duty or business, the date, and the items of expense. On all accounts for transportation, stationery, books, furniture, and other expenditures, bills duly receipted, when they can be obtained, must accompany the accounts. It shall be the duty of the treasurer to report annually to the legislature the details of these several expenditures.

Chap. 136.

AN ACT to authorize the payment of interest on certain canal drafts protested for non-payment.

Passed April 16, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The treasurer shall pay on the warrant of the auditor the sum of thirteen hundred and eleven dollars and ninety-four cents, to Saranus Britton, Joseph W. Britton and Utley Spencer, composing the firm of Britton, Spencer and company, for the payment of interest accruing, at the rate of six per cent, on certain canal drafts issued by the canal commissioner in the years eighteen hundred and fifty-two and eighteen hundred and fifty-three to said firm, on contract to construct locks numbers eighty-one, eighty-two and eighty-three on the Genesee Valley canal; to Britton and Swain on contract for work on sections one hundred and three, one hundred and four, one hundred and five and one hundred and six on the Genesee Valley canal; to L. J. and G. W. Peck on contract for the construction of bridges on sections eighty-five, eighty-six, eighty-seven, eighty-eight and eighty-nine on the Genesee Valley canal, and to George W. Peck on contract for the construction of locks numbers ninety-three, ninety-four, ninety-five, ninety-six and ninety-seven on the Genesee Valley canal; the last two mentioned contracts having been duly assigned to said Utley Spencer, payment to be made out of any money in the treasury appropriated to the payment of canal awards.

§ 2. This act shall take effect immediately.

Chap. 137.

AN ACT to extend for the term of twenty-one years the charter of the Aurora and Buffalo Plank Road Company.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to incorporate the Aurora and Buffalo Plank Road Company," passed May eleventh, eighteen hundred and forty-six (except the fourteenth section thereof) and all other acts and parts of acts relating to the same, shall be and they are hereby continued in force until the eleventh day of May, which will be in the year one thousand eight hundred and eighty-eight; and all general laws of this State which are now in force and binding upon the said corporation, its officers and members, shall be and remain in force and binding upon said corporation, its officers and members, during the time this act shall continue in force.

§ 2. The legislature may at any time alter, amend or repeal this act.

§ 3. This act shall take effect immediately.

Chap. 138.

AN ACT to incorporate the Church Home of the city of Troy.

Passed April 17, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Thomas W. Coit, John I. Tucker, Eaton W. Maxcy, Henry C. Potter, Richard Bloss, Israel R. Callin, Henry B. Dauchy, James Forsyth, Willard Gay, Jonas S. Heartt, Henry C. Lockwood, Charles R. Richards, George B. Smith, Norman B. Squires and Stephen E. Warren, and their successors, shall be and they are hereby constituted a body corporate and politic, by the

Corporators.

name of "The Church Home of the city of Troy," and by that name shall be located in the city of Troy.

Trustees.

§ 2. The business of the said corporation shall be managed and directed by a board of fifteen trustees, who shall elect from their number a president and such other officers as they may see fit. Seven of said trustees shall form a quorum for the transaction of business.

Vacancies,
how sup-
plied.

§ 3. The persons named in the first section of this act shall be the first trustees of the said corporation; and all vacancies, by death, resignation, or otherwise, in the said board of trustees, shall be filled by the board without unnecessary delay; and at least a majority of trustees shall be necessary for the election of any trustee. If any trustee shall omit to attend the meetings of the board for six months, the said board may, in its discretion, by a vote of at least two-thirds of the trustees, declare the office of such trustee vacant, and a successor may then be elected to fill the same.

May hold
property.

§ 4. The said corporation shall have authority to take and hold, by gift, grant or devise, subject to the restriction of law, any real or personal property, the clear yearly income or revenue of which shall not exceed the value of ten thousand dollars.

Purposes
of corpora-
tion.

§ 5. The general purpose and object of the corporation hereby created shall be the support or relief of the aged, the sick, the infirm and the destitute.

Powers.

§ 6. The corporation hereby created shall possess the powers and be subject to the provisions of the third title of chapter eighteen of the first part of the Revised Statutes, as far as the same are applicable and not repugnant to this act.

Chap. 139.

mend the act to organize the State
asylum for insane convicts, passed
h, one thousand eight hundred and

il 17, 1863; three-fifths being present.

*of the State of New York, represented in
mbly, do enact as follows :*

Section eight of the act to organize the
asylum for insane convicts, passed April
n hundred and fifty-eight, is hereby
he following substituted therefor :

er the physician of either of the state
State shall certify to the board of inspec-
nspector in charge that any convict con-
insane, it shall be the duty of such board
ector in charge, to make, immediately, a
n into the condition of such convict, and
he is insane the said board of inspectors,
in charge, may order the agent or warden
here such convict is confined, forthwith to
vict to the state lunatic asylum for insane
to deliver him to the superintendent
hereby required to receive him into the
d retain him there until legally discharged.
th section of the aforesaid act is hereby
he following substituted therefor :

er any convict in the state lunatic asylum
icts, under and by virtue of the provisions
ll continue to be insane at the expiration
r which he was sentenced, the board of
n the superintendent's certificate that he
will probably continue so, and that he is
e improved by further treatment in the
n a like certificate that he is manifestly
can probably be rendered comfortable at
s house, may cause such insane convict to
the expense of the State, from said asylum
herein he was convicted, or to the county
sidence, and delivered to and placed under

Physician
to certify as
to insane
convicts.

When in-
sane con-
vict to be
removed to
the county
of his res-
dence.

the care of the superintendent of the poor of such county, and the said superintendent is hereby required to receive such insane convict under his charge; they may also discharge and deliver any convict whose sentence has expired, and who is still insane, to his relative or friends, who will undertake, with good sureties to be approved by said superintendent of the state lunatic convict asylum, for his peaceful behavior, safe custody and comfortable maintenance without further public charge; and no convict shall be retained in the said state lunatic convict asylum after the expiration of his sentence to the state prison, unless by the order of the county judge of the county in which said asylum is situated; and the said county judge, upon the application of the said superintendent, shall proceed to investigate the question of the insanity of such convict, and shall cause two respectable physicians to be designated by him to examine said convict, and upon their evidence under oath, and upon such other testimony as he shall require, shall decide the case as to his insanity, and if he is satisfied that such convict is insane shall make an order that the said convict shall be retained in the said asylum until he is recovered of his insanity, or is otherwise discharged according to law; and the fees of such physicians and witnesses shall be audited by the state prison inspector in charge, and shall be a charge against the State, to be paid by the comptroller out of the general fund; but such fees shall not in any one case exceed the sum of ten dollars.

§ 3. This act shall take effect immediately.

Chap. 140.

AN ACT to amend the charter of the Rochester Water Works Company, and to authorize such company to borrow money, and to secure the payment thereof by bonds and mortgage.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of the act entitled "An act to incorporate the Rochester Water Works Company,"

teenth, eighteen hundred and fifty-two,
ed so as to read as follows :

purpose of supplying the said city of
s environs, and the farms, families and
he route, and in the neighborhood of the
mpany, with pure and wholesome water,
y may purchase, take and hold any real
eir directors, agents, servants, or other
d, may enter upon the lands of any per-
hich may be necessary for said purposes,
e water from any springs, ponds, foun-
rs, streams or lakes, and divert and con-
the said city, and may lay and construct
duits, aqueducts, wells, reservoirs, and
achinery necessary or proper for said
ny lands so entered, purchased, taken or
s aforesaid enter upon any lands, streets,
lanes or public squares, through which
t proper to convey the water from said
ountains, wells, rivers, streams or lakes,
truct any pipes, conduits or other works
e, leaving the said lands, streets, high-
s and public squares, in the same con-
y as may be, as they were before said
id company shall not lay and construct
uits, aqueducts and other works, through
len or court yard without the written
wner thereof.

be lawful for the directors of said com-
on the credit of said company, any sum
eeding, in the aggregate, four hundred
e, for a term not less than fifteen years,
erest not exceeding seven per cent per
terest to be payable semi-annually, at
lace or places as the said directors may
cause to be executed, in the name of
onds therefor, with or without interest
ed, under the seal of said corporation,
gnatures of the president and secretary,
icers of the corporation as the directors
The bonds may be in such sums, and in
d directors may deem expedient.

May hold
real estate.

May take
water.

Directors
may borrow
money.

May mort-
gage pro-
perty.

§ 3. To secure the payment of the principal and interest of such bonds, the said directors may cause to be executed, in the name of said company, in the same manner in which said bonds shall be executed, a mortgage upon the whole, or any part of the property of said company, to one or more trustees, to be named by said directors, in such form and with such provisions as to the said directors shall seem proper, provided that nothing contained in such mortgage shall deprive said company of the right to manage and control its water works and property, and to receive the rents and income thereof for its own use, so long as, and whenever it shall not be in default, in the payment of principal or interest upon said bonds.

May dis-
pose of
bonds.

§ 4. The directors of said company may dispose of such bonds to such persons or corporations, and upon such terms as they shall deem most advantageous to said company; and the money which shall be received thereon shall be applied in payment of the cost of obtaining the rights of land and water which are required for the construction and use of the water works mentioned in their charter, and of the cost of constructing and putting in operation said water works, and for no other use or purpose whatever.

Chap. 141.

AN ACT authorizing the city of Buffalo to grant lands to the Young Men's Association of the city of Buffalo, or to said association, and the Grosvenor Library.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor and common council of the city of Buffalo are hereby authorized and empowered to grant to The Young Men's Association of the city of Buffalo, or to said Association and "The Grosvenor Library," or either of them, the interest of said city, in any lands in said city, for the purpose of erecting proper

on, for such association and library, or
shall take effect immediately.

Chap. 142.

the relief of the Buffalo Trust Com-
pany.

Passed April 17, 1863.

*of the State of New York, represented in
assembly, do enact as follows :*

Whenever the Buffalo Trust company shall
superintendent of the bank department
general, evidence satisfactory to them, that
discharged all its debts and liabilities
of such amounts as may be due to
company, whose place of residence can-
ned, and of the claims mentioned in the
and shall produce to the superintendent of
ment a certificate of deposit to his credit
ban or trust company, as he shall desig-
to an amount equal to the sums so due
said company to such depositors, it shall
and the said superintendent is hereby di-
re such certificate of deposit and to hold
deposited in trust for the payment of the
and to give up and assign to the said
all the securities heretofore deposited by
superintendent as a security for the payment
liabilities.

It shall appear to the said superintendent
general, that any claims exist against the
pany, the validity of which shall be dis-
ant thereof shall be included in such cer-
it, and held by the said superintendent,
the payment of said claims.

Chap. 143.

AN ACT to amend an act entitled "An act to revise, amend and consolidate the several acts in relation to the village of Salem," passed April sixteenth, eighteen hundred and fifty-one.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The boundaries of the village of Salem are hereby altered so as to exclude from said village lots number fifty-five and one hundred and fifty, in a patent of land called "Turner's patent," and also all the lands mentioned and contained in a certain deed of conveyance, made and executed on the first day of April, in the year of our Lord one thousand eight hundred and sixty-one, by Thomas J. Boyd, and Ellen his wife, to James Collins. The said lots and lands hereinbefore mentioned and described, being the lands now occupied respectively by James G. Gillis, George E. Porter and James Collins, as farms, and no others.

§ 2. Section twenty-nine of said act is hereby amended as follows: Strike out of the fourth line of said section twenty-nine the words "thirty-four," and insert the word "fifty."

§ 3. The fifth subdivision of section eight of the said act is hereby amended, by adding thereto after the words "Highway commutation tax," the words "and taxes for school purposes."

§ 4. The lands which by this act, or any other acts heretofore passed amending the act hereby amended, are or have been taken out of said village, are hereby annexed to and made a part of the several school and highway districts in the town of Salem of which they formed a part, prior to the passage of the act to which this is an amendment.

§ 5. This act shall take effect immediately.

Chap. 144.

AN ACT to amend an act entitled "An act allowing the continued use of copartnership names in certain cases," passed April seventeenth, eighteen hundred and fifty-four.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourth section of the act entitled "An act allowing the continued use of copartnership names in certain cases," passed April seventeenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

The provisions of this act shall apply to firms or copartnerships having business relations with foreign countries, and to all copartnerships in this State who have transacted business therein for a period of five years, or upwards, and to any limited partnership formed under the laws thereof, whose general partners or the majority of them shall have been members of the prior copartnership and who shall elect to continue their business under the name of such prior copartnership and comply with the requirements of this act.

§ 2. This act shall take effect immediately.

Chap. 145.

AN ACT to confer additional powers on the board of trustees of the village of Herkimer.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of the village of Herkimer shall have power, in their discretion, in addition to the powers granted by title four of chapter one hundred and twenty-five of the Laws of one thousand eight hundred and fifty-four:

1. To license and regulate drivers of cabs, carriages,

omnibuses, stage coaches of every description, and baggage and other wagons used for hire, and running to and from the railroad in the village of Herkimer, and to restrain and prohibit all runners or solicitors for cabs, carriages, omnibuses and stage coaches within said village.

2. In all cases where such license is granted by said board, to fix the fee for granting the same, which in no case shall exceed the sum of ten dollars, and to make the payment of said sum a condition precedent to granting such license, and to revoke any license at pleasure for cause shown, and to prohibit and restrain the running of such cabs, carriages, omnibuses and stage coaches, in all cases when such license shall not be granted or when the same shall be revoked.

§ 2. This act shall take effect immediately.

Chap. 146.

AN ACT to provide for assessing and collecting a highway tax in the village of Canajoharie.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
may assess
property
and persons.

SECTION 1. The trustees of the village of Canajoharie shall have power to assess upon all persons owning property in said village annually, such an amount, denominated highway tax, as they shall deem necessary to work and improve the roads, streets, lanes and alleys of said village. Each male inhabitant of the age of twenty-one years and upwards, shall be assessed fifty cents each year, and the balance of the highway tax shall be assessed upon all persons, corporations and associations owning property in said village according to the value thereof, to be ascertained as near as may be, from the last assessment roll of the town of Canajoharie, and the tax so raised shall be appropriated, under the direction of the trustees, to the working and improving the roads, streets, lanes and alleys of said village, unless the said trustees shall, by special resolution, otherwise order, in which case, not to exceed one-third of said tax may be

expended to improve the highways of said town leading to said village.

§ 2. The said trustees shall make a list of the persons, corporations and associations so assessed on or before the first day of June in each year, and shall attach thereto their warrants, signed by a majority of them, commanding the said collector to collect the said highway tax, within such time as they shall deem necessary for that purpose, and pay the same to the treasurer of said village. Said warrant may be renewed, from time to time, by said trustees, upon the application of the collector.

Collection
of taxes.

§ 3. If the said highway tax shall not be paid within three days after demand, by the collector, the same may be recovered by action, and for that purpose the said collector may commence an action for the recovery of the same by summons or warrant before any justice of the peace of the county of Montgomery, or in any court having cognizance thereof, in the name of "the trustees of the village of Canajoharie," and upon the recovery of judgment, execution thereon may be issued to collect said judgment and costs against the person or property of the defendant, to be enforced in the same manner as executions in actions for costs. The payment of said tax may be enforced by said collector without suit, and in the same manner that county taxes are collected. The collector shall pay said tax when collected by him to the treasurer of said village, and shall make return under oath to said treasurer of the manner in which he shall have executed such warrant. The collector shall receive two and a half per cent for collecting said tax.

How en-
forced.

§ 4. This act shall take effect immediately.

Chap. 147.

AN ACT to authorize the sale and conveyance of the interest of the infant heirs of Michael Roberts, deceased, in certain lands of which he died seized, and to provide for the disposition of the proceeds thereof.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The administratrix of the estate and guardian of the infant children of Michael Roberts, late of the town of Chateaugay, in the county of Franklin, is hereby authorized and empowered to sell and convey in fee simple, all the right, title, interest and estate of the said infant children of the said Michael Roberts, in and to any lands (excepting the lands owned by the said Michael Roberts, on lot number forty-three in Chateaugay aforesaid) of which the said Michael Roberts died seized, and also to convey in fee simple or otherwise, all the right, title, estate and interest of the said infant heirs in any lands which had been contracted to be sold by the said Michael Roberts in his lifetime. But no such sale or conveyance shall be valid unless approved by the surrogate of Franklin county (such approval to be indorsed upon such conveyance or contract of sale), and the said surrogate shall require the said administratrix and guardian to give such security and in such form and to renew the same from time to time, as the said surrogate may deem necessary and proper fully to secure and protect the rights and interests of said infant heirs in the premises, and in the disposition or investment of the moneys which shall come into her hands, under the provisions of this act.

§ 2. The said administratrix and guardian shall make a report duly verified on the first Wednesday in December in each and every year to the surrogate of said county, the number of acres and situation of the lands conveyed or sold by her under this act, and the money received by her for or as the consideration thereof, and the contracts or securities relating thereto, and the said

applied, paid, secured or invested as the
all from time to time direct.
shall take effect immediately.

Chap. 148.

incorporate the Female Institution of
Visitation in the city of Brooklyn.

Passed April 17, 1863.

*of the State of New York, represented in
Assembly, do enact as follows:*

Elizabeth F. Smith, Margaret Jenkins, Pauline
Sarah Fortune and their associates are
a body corporate by the name of the
"Visitation," for the purpose
conducting and maintaining in the city
a seminary of learning for the education of
young women for industrial purposes, if they so elect, and
their successors, with power to sue and
to make and use a common seal and to
do all such acts and things as may be
for their pleasure.

Corpora-
tors.

The property, effects and concerns of the
institution shall be managed by a board of five
trustees, to be annually elected by the associates
in such manner as shall be provided
in the charter thereof, and the persons named in the
act shall be the first trustees of the
institution and shall hold their offices for one year,
and shall be elected in their stead.

Trustees.

The corporation hereby created shall have power
to buy, sell, lease, hold, mortgage, sell and convey or
otherwise dispose of any real or personal estate, the
value of which shall not exceed five thousand
dollars, and shall possess the general powers and privi-
leges of a corporation under the Revised Statutes.

May hold
real and
personal
property.

The institution shall be subject at all times
to the inspection and visitation of the common council
of the city of Brooklyn, or any committee of their
body whom they may appoint.

Visitation
of common
council of
Brooklyn.

This act shall take effect immediately.

Chap. 149.

AN ACT authorizing the commissioners of highways of the town of Walton, Delaware county to lay out and open a highway in the village of Walton.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of highways of the town of Walton, in the county of Delaware, are hereby authorized, empowered and directed to lay out and open a public highway in the village of Walton, as follows: Beginning at a point where Townsend street crosses Mead street, and continuing Townsend street, in a straight line in a northerly direction to Platt street, to be of equal width of Townsend street, now laid out and opened; provided the damages therefor shall not exceed six hundred dollars and for that purpose they hereby have power, and it is hereby made their duty, to lay said highway through any orchard or garden, or to remove any buildings that may interfere with the opening thereof. And the said commissioners are hereby empowered to commute and settle any damages that may be sustained by the opening of said highway, by any person or persons, in any sum not to exceed five hundred dollars to any one person.

§ 2. All laws, statutes and regulations now in force in this State, in relation to the laying out and opening of public streets and highways, are hereby declared to be in force, in relation to the laying out and opening of said street or highway, so far as the same are applicable.

§ 3. This act shall take effect immediately.

Chap. 150.

incorporate the Vernon and Verona Turnpike Company.

Passed April 17, 1863.

of the State of New York, represented in assembly, do enact as follows:

A company is hereby authorized to be the general plank road law of the State of for the construction of a plank or stone and from the north end of the bridge spanning ah creek, near the north limit of Vernon rly over the present highway to the south w York Central railroad and Verona depot. Capital stock of said company shall be five ars, in shares of fifty dollars each, with crease to seven thousand dollars by a vote ers of all the directors elected.

Company may erect and maintain a toll gate and may demand and receive tolls thereat, the following rates viz.: for every vehicle horse, mule or ox, four cents, if drawn by ules or oxen, eight cents, and for each addi- mule or ox so drawing such vehicle, two ry horse or mule and rider or led horse or ts, and for every score of sheep, swine or ur cents; with the right to erect and main- onal toll gate upon said road, at such place majority of the directors of said company e, in which case they shall have the right d receive one-half of the tolls above men- ch of said gates. But said company shall ne-fourth the above rates from such persons aid road only between the Verona depot, ection of the road leading from Shenandoah a village.

Company under the name and style of the Verona turnpike," may continue as such e years from the passage of this act, and in cept as hereinbefore specified, shall be or- , subject and entitled to the provisions and

benefits of the general plank road law of this State and the several amendments thereto.

§ 5. This act shall take effect immediately.

Chap. 151.

AN ACT to incorporate the trustees of Seneca Lodge of Canandaigua.

Passed April 17, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. J. Harvey Mason, George Ewins, Samuel W. Salisbury, James McKechnie, Lyman O. Lampson, trustees of Seneca Lodge of Canandaigua, and their successors in office, are hereby empowered to take, hold, sell, transfer and convey real and personal estate, subject to the restrictions of law, for the use and benefit of the said lodge, for the objects for which it was instituted, the value whereof shall not exceed the sum of six thousand dollars, and are hereby constituted a body corporate for that purpose, with power to sue and to be sued, and to have and use a common seal, by the corporate name of "The Trustees of Seneca Lodge of Canandaigua."

§ 2. The title to any real estate or personal estate now held by the trustees or members of said lodge as such, not exceeding in value the amount aforesaid, is hereby confirmed in the said trustees, as a corporation, as aforesaid, as fully and completely as if they had possessed legal power to take and hold the same as a body corporate at the time the same was acquired by them.

§ 3. The affairs of said corporation shall be managed by five trustees, to be elected annually, according to the by-laws of said lodge, from among the members thereof, who shall hold their office for one year and until their successors are elected, and until the first election under this act, the persons named in the first section hereof shall be the trustees of the corporation hereby created.

§ 4. This act shall take effect immediately.

Chap 152.

incorporate the Mohawk Valley and
Piseco Railroad Company.

17, 1863; three-fifths being present.

*of the State of New York, represented in
assembly, do enact as follows:*

Abraham Nellis, of the town of Palatine,
Montgomery, and such other persons as
with him, and their successors and assigns,
constituted a body corporate, by the name of
Mohawk Valley and Piseco Railroad Company, for the
constructing and maintaining a railroad with
tracks, and all necessary and convenient
buildings, machinery and appurtenances, from
the New York Central railroad, between
a creek and the village of Fonda, within
Montgomery, to some point in the county
of Hamilton, passing through
portions of said counties of Montgomery,
Hamilton, or any of them, as shall be desig-
nated by Abraham Nellis and his said associates, be-
said company; and for such purposes all
such incidental power is hereby granted to
said corporation. The said corporation shall continue
not exceeding fifty years.

Capital stock of said corporation shall be fixed
at a sum not less than twenty-five thou-
sand dollars, with the liberty to increase the same at any
time not exceeding one hundred thousand dol-
lars. The said stock shall be divided into shares of one hun-
dred dollars each, and shall be deemed personal property,
in such manner as the by-laws of said corpo-
ration may direct. The said corporation may commence
business when ten thousand dollars shall have been sub-
scribed, and the per cent on each share so subscribed shall
be ten per cent. The said Abraham Nellis and Solomon
Nellis, shall be commissioners to receive sub-
scribed said capital stock, at such time or times,
and after the passage of this act, and under
such regulations as they may prescribe.

Corpora-
tors.

Capital
stock.

Directors.

Term of
office.Election
thereof.Officers and
by-laws.

Vacancies.

Payment of
subscriptions to
stock.

§ 3. The concerns of said corporation shall be managed by three directors, who shall be stockholders and who shall hold their offices for two years and until others shall be elected in their places. The said Abraham Nellis and any other two of said stockholders who shall own the largest amount of stock, shall be the first directors, and shall hold their offices until the first Monday in June, eighteen hundred and sixty-five, and until others are elected in their places. The said directors, except those first named in this act, shall be chosen every two years, at such time and place, in the county of Montgomery, and on such notice as shall be directed by the by-laws of said corporation. In all meetings of the stockholders, each share shall entitle the holder to one vote, to be given in person or by proxy. In case an election of directors shall not be made at any time on the day appointed by the by-laws of said corporation, the said corporation shall not, for that cause, be deemed to be dissolved, but such election shall be held on any other day which shall be appointed by the directors of said corporation, of which election due notice shall be given by posting of the same at three public places in each town through which said road shall pass, at least two weeks previous to such election.

§ 4. The directors, of whom a majority shall constitute a quorum for the transaction of business, shall appoint one of their number to be president, and may appoint such other officers and agents as they shall deem necessary, and they may make and establish such by-laws rules and regulations as they shall think proper and expedient for the disposition and management of the property, estate and effects of said corporation, the transfer of shares, the duties and conduct of their officers and agents, the election and meetings of the directors, and all matters whatsoever which may appertain to the concerns of said corporation. When any vacancy shall happen among the directors, it may be filled by the remaining directors, and the directors may remove all officers and agents appointed by them, and appoint others in their places, and fill all vacancies in the offices.

§ 5. The directors may require payment of the subscriptions to the stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments made thereon,

and recover in the name of said corporations, and in such sums or portions as may be required by the by-laws. Notices of the place of such payments shall be published at least six weeks previous to such time, in one newspaper published in the county of Montgomery, and one published in the county of Fulton.

Any such corporation may have a common seal, which may be altered or renewed at the pleasure of the corporation. All contracts made may be under the signature of the president or other officer or agent of said corporation, with or without the corporate seal, or may be written or verbal, if authorized by the by-laws of the corporation, in the same cases that individuals may make verbal contracts.

Any such railroad company may take and receive, for the location of said road, or for the use of said road, any grant, bequest, devise or loan, from any person, company, municipal or other corporation, any individual or any other material or thing, for the construction of said road, or the buildings, erections and repairs, and any person or municipal or other corporation may hereby be authorized to make such gift, grant, bequest, devise or loan to said railroad company for the location thereof, or of any buildings, erections, repairs, or for the use of said road. Any person who becomes a stockholder in said company.

Every stockholder of said railroad company shall be jointly and severally liable to the creditors of such company for the amount equal to the amount unpaid on the stock held by him for the debts and liabilities of such company to the whole amount of the capital stock so far as the same shall have been paid in to said company, and shall be liable to an action therefor before any court of competent jurisdiction, if the same shall not have been returned unsatisfied in whole or in part against the said corporation, and then the amount of such execution shall be the amount remaining after the costs, against such stockholders; but in no case shall the stockholders be held personally liable to any company or to any creditor of said company, for any portion of the amount of stock held by them, which has not been paid in to said

Seal.

May receive property for construction or use of road.

Liability of stockholders.

Ten miles
to be finish-
ed in five
years.

§ 9. If the corporation formed under this act shall not finish and put in condition for operation at least ten miles of said road within five years from the passage of this act, its corporate existence and powers shall cease. Said road may be so constructed that the carriages thereon may be propelled by horse power or by steam, or mechanical power.

Act of 1850,
applied, ex-
cept as to
restriction
on fare.

§ 10. The said company shall possess the rights and privileges, and be subject to the provisions of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the acts supplementary to and amending the same, excepting that the restriction on passenger fare contained in the said act shall not apply to the corporation hereby created.

Prohibition

§ 11. The said railroad shall not cross or in any way interfere with the road, track or works of the New York Central Railroad Company, without the consent in writing of said last named company, and on such terms and conditions as may be agreed upon between the two companies.

§ 12. This act shall take effect immediately.

Chap. 153.

AN ACT to amend an act entitled "An act to provide for the promotion of the public health by draining certain swamp lands in the town of Northfield, in the county of Richmond," passed March twenty-ninth, eighteen hundred and sixty-two.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to provide for the promotion of the public health by draining certain swamp lands in the town of Northfield, in the county of Richmond," passed March twenty-ninth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Henry Vroom, Hiram I. Corsen and David L. Gardiner, of the town of Northfield, in the county of Richmond, are hereby appointed commissioners for the purposes and with the powers hereafter mentioned. The said commissioners shall before entering upon their duties under this act take an oath or affirmation well and faithfully to discharge the duties of their trust; the said commissioners are authorized to designate the location of a ditch, with so many lateral ditches or drains as may be necessary for properly draining the swamps on the east and west side of the road (known as the Plank road) leading from Port Richmond to Springville, in the town of Northfield, in the county of Richmond, and also to assess, levy and collect by warrant, to be issued by any constable of the said county of Richmond from the proprietors of the land subject to such drainage, all sums necessary to defray the expenses thereof, in proportion to their respective interests in said lands, and the benefits derived from such improvements and to pay the said sums to the directors hereinafter mentioned, and also inspect said ditch or ditches when completed and certify to the completion thereof, according to the provisions hereinafter contained.

§ 2. This act shall take effect immediately.

Chap. 154.

AN ACT to amend an act entitled "An act to revise the charter of the city of Oswego," passed April sixteenth, eighteen hundred and sixty.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourteen of title eight of the act entitled "An act to revise the charter of the city of Oswego," is hereby amended so as to read as follows:

§ 14. The common jail of Oswego county, situated in said city, shall be the city jail; but the rooms in the basement of the city hall, now and heretofore occupied for the keeping and detention of persons charged with criminal offenses, may be continued to be used for that

purpose and for the detention of persons awaiting examination or sentence for criminal offences, or charged with being disorderly or vagrants, and for the detention of all persons in all cases except after final sentence upon conviction, and for all those purposes shall be deemed a city jail, and the common council may designate any other place as a city jail for the above mentioned purposes. The common council may prescribe rules for the proper management and government thereof, and appoint a keeper for the same and provide for his compensation, and for the necessities of those detained or confined therein, the court or officer having jurisdiction, may commit persons in the cases above provided, to the city jail last aforesaid, for detention and examination; the expenses incident to such jails last aforesaid, shall be audited and paid by the county of Oswego, except such as shall be incurred for the violation of the provisions of this act or of the city ordinances, which shall be paid by the city.

§ 2. This act shall take effect immediately.

Chap. 155.

AN ACT to incorporate the Hornellsville Agricultural Fair Ground Club.

Passed April 17, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporators.

SECTION 1. Alexander Jones, Hiram Lawrence, Thomas C. Livingston, Russell Pardee, Simeon P. Whitcomb, Nathaniel Chadwick, Peter C. Ward, John Barton and Homer Holliday, and such other persons as shall hereafter be associated with them, or with their successors, are hereby constituted and created a body corporate by the name of "The Hornellsville Agricultural Fair Ground Club," whose object is hereby declared to be the providing suitable grounds, establishing and maintaining suitable buildings and yards within the bounds of the village of Hornellsville, for the use of said society, which corporation shall continue twenty-five years.

Authority of corporations.

§ 2. The direction, management and control of the affairs and property of said corporation shall be vested in the persons named in the first section of this act, and

their successors, subject to such by-laws and regulations as they may, from time to time adopt.

§ 3. The officers of such association shall consist of a president, vice-president, secretary and treasurer, who shall be elected annually to their respective offices by such of the members of the corporation as are or may be entitled by its rules to vote at such election. Said annual election shall take place on the first Tuesday of June in each year, at the building of the club on the fair ground; and until the next annual election, the commissioners named in this act shall continue to hold their respective offices, and the officers elected at any annual election shall hold their offices for one year, and until their successors shall be elected.

Officers.

§ 4. The said corporation shall have power to take, hold and convey real and personal property to the amount of not exceeding ten thousand dollars, and also all apparatus and furniture necessary to the object of said corporation.

Power of officers.

§ 5. All personal property, furniture, tools, implements and other property, and all structures and buildings, and any contract or contracts or agreement for the purchase of any real estate now held by the parties named in the first section of this act, or either of them, for the purpose aforesaid, shall, by virtue of this act, vest in and become the property of the corporation hereby created. And the said corporation shall assume and be liable for all contracts, agreements and responsibilities which have been entered into or incurred previous to the passage of this act, by the officers of said club, or any of them.

Certain property to be vested in corporation.

§ 6. In case the aforesaid corporation shall, at any time, appropriate their funds or any part thereof, to any purpose or purposes other than those contemplated by this act, and shall thereof be convicted by due course of law, the said corporation shall thenceforth cease and determine, and the estate, real and personal, whereof it may be seized and possessed, shall vest in the people of this State.

When corporation to cease.

§ 7. The provisions contained in title three, of chapter eighteen, of the first part of the Revised Statutes shall be deemed and taken as part of this act, except where they are herein altered, modified or changed.

§ 8. This act shall take effect immediately.

Chap. 156.

AN ACT to authorize the town of Bombay to borrow money and to provide for repayment of the same.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to borrow
money.

SECTION 1. The town of Bombay, in the county of Franklin, is hereby authorized to borrow, upon the credit of said town, the sum of three thousand dollars, or such portion of that amount as shall be necessary, to be expended by the commissioners of highways of said town for the erection of a bridge across the St. Regis river, at the village of Hogansburgh.

Duty of su-
pervisor.

§ 2. It shall be the duty of the supervisor of the town of Bombay, to execute and deliver to the commissioner of highways in said town, a bond, in his name of office, for the payment to said commissioner or his legal representatives, for the aforesaid sum of three thousand dollars, or such portion of that amount as shall be necessary for the completion of said bridge, from the first day of May, eighteen hundred and sixty-three, with interest to be paid annually, for the term of five years.

Duty of
commis-
sioner of
highways.

§ 3. The commissioner of highways of the town of Bombay, before receiving such bond from the supervisor, shall execute, under his hand and seal, with at least two sufficient sureties, an undertaking to said supervisor, to be approved by him and filed with the town clerk of Bombay, conditioned for the faithful and honest employment of all moneys which may come into his hands pursuant to the provisions of this act.

Bond of
commis-
sioner may
be transfer-
red.

§ 4. It shall be lawful for the commissioner of highways of the town of Bombay, after the receipt of said bond from the supervisor of said town, to assign and transfer the same to any person, persons, association or corporation, that shall pay to him the amount of principal money agreed to be paid by said bond, without discount or deduction; and the comptroller of the State may, in his discretion, lend said amount to said town, upon said bond, out of any moneys belonging to the

common school fund, and said bond, when executed and assigned, shall be and constitute a valid debt against the aforesaid town of Bombay.

§ 5. It shall be the duty of the supervisors of the county of Franklin, at their next annual session, to levy and assess upon the town of Bombay, in the same manner that other town charges are levied and assessed, a sum sufficient to pay the interest due upon the said bond on the first day of May, eighteen hundred and sixty-four, and such portion of the principal as may then be due, if any, which sum shall be collected in the manner provided by law for the collection of other town charges, and shall be paid by the collector of the town of Bombay to the treasurer of Franklin county, who shall pay the same upon the aforesaid bond. It shall also be the duty of the board of supervisors of Franklin county, at each consecutive annual meeting of said board, to provide, in the same manner here specified, for the payment of the interest and such portions of the principal as shall be due in each year, till the said bond shall be fully satisfied; and the said amounts for each year respectively, shall be collected and paid over to the treasurer of Franklin county, as here provided.

Tax may be levied to pay interest on bond.

§ 2. This act shall take effect immediately.

Chap. 157.

AN ACT to incorporate the Dry Goods Clerks' Early Closing Association of the city of New York.

Passed April 17, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Louis Fromme, John Bower Gray, Albert A. Durand, John Henry Foy, Benjamin Clapp, Morris Attman, Michael W. Murphy and B. Everett Osgood, together with such other persons as may be or become associated with them, are hereby constituted a body corporate, under the name and style of "The Dry Goods Clerks' Early Closing Association of the city of New York."

§ 2. The object of the corporation hereby created to abridge the hours of labor of the dry goods clerks in the city of New York, and to furnish them with facilities for social intercourse and religious and intellectual culture by such means as shall be expedient and proper for such purpose.

§ 3. The said corporation shall have the power to make and adopt a constitution and by-laws and regulations for the admission, suspension and expulsion of members, and their government; the collection of fines and dues; the election of its officers, and to define their duties, and for the safe keeping and protection of its property and funds, and, from time to time, to alter or repeal such constitution, by-laws, rules and regulations. The persons named in the first section of this act shall constitute the trustees and managers until others are elected in their place.

§ 4. The said corporation may purchase and hold or lease any real or personal estate, provided that they shall not hold any real estate, the value of which shall exceed the sum of one hundred thousand dollars.

§ 5. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed in the third title of the eighteen chapter of the first part of the Revised Statutes.

§ 6. This act shall take effect immediately.

Chap. 158.

AN ACT to authorize the construction of a bridge in Massena, St. Lawrence county, and to provide for the payment of the same.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented by Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of St. Lawrence are hereby authorized and required, at their annual meeting in eighteen hundred and sixty-three, to cause to be levied and collected on the town of Massena in said county, in like manner as other town charges are by law directed to be levied and collected, the sum

ars, to be expended in constructing and
onstruction of a bridge across Racket
yn, at such point as the highway com-
d town, or a majority of them, shall

ctor of said town of Massena shall pay
when collected to the supervisor of said
apply the same, or so much thereof as
y, to the construction of, and the pay-
struction of such bridge; and shall pay
due to persons performing services upon
furnishing materials therefor, upon the
said highway commissioners.

rtion of said sum of four thousand dol-
unexpended, at the completion of such
nce shall be paid to said highway com-
hall by them be applied to the repair of
s in said town.

Chap. 159.

orizing the village of Hornellsville
streets of said village to be lighted

il 17, 1863; three-fifths being present.

*the State of New York, represented in
bly, do enact as follows:*

he electors of the village of Hornells-
vote in respect to raising taxes in said
by authorized and empowered, at any
in the manner provided by law for
meetings of such electors, to empower
said village to cause lamp posts and
s and fixtures to be erected as may be
at the streets of said village with gas,
e notice for calling such meeting shall
ets and places upon the said streets
posed to erect lamp posts, and pro-
lamp posts shall be erected on each
stances from each other, and provided,

also, that the proposed expense of such erections and fixtures shall be inserted in the notice of calling such meeting.

§ 2. The trustees of said village shall have power to contract with any persons or company to furnish gas, to be consumed at the points designated, in the manner provided in the first section of this act, at a cost not exceeding three dollars per thousand feet, and to assess and collect, of the taxable property in said village, once in each year, the yearly expenses thereof, and for causing the same to be lighted.

§ 3. This act shall take effect immediately.

Chap. 160.

AN ACT to amend the charter of the village of Horseheads, in the county of Chemung.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Boundaries

SECTION 1. Section one of chapter four hundred and eighty-six of the Laws of eighteen hundred and fifty-five, entitled "An act to amend the charter of the village of Horseheads, in Chemung county," passed April fourteenth, eighteen hundred and fifty-five, so far as relates to the boundaries of said village, increasing the boundaries thereof, by commencing at the northwest corner of Willis B. Sayers' farm, and being the southwest corner of the corporation limits of said village, and running from thence south seventy degrees and thirty minutes, west ten chains and thirty links, to a point on the north bank of the Chemung canal feeder; thence north three degrees and thirty minutes west twenty-five chains and sixty links, to the south line of John E. Westake's farm, known as the Mumford farm; thence south eighty-eight degrees, east along the said line of Westake's farm, until it intersects the west line of said corporation, as established by said act; thence along said corporation line by its various courses to the place of beginning.

Sec. 27 amended.

§ 2. Section thirty-seven of said chapter four hundred and eighty-six of the Laws of eighteen hundred and fifty-

five is hereby amended by striking out the word "four" in the last clause of said section, and inserting in the place thereof the word "eight."

§ 3. The board of trustees shall have power, by ordinance, to prescribe limits within which no building shall hereafter be constructed except of brick or stone, with slate or metallic roofs, but such limits shall not include any territory east of the west bank of the Chemung canal, or north of the Chemung canal feeder, or west of the west line of Church street, nor south of Johns street, and the board of trustees may impose a penalty for the violation of such ordinance of one hundred dollars for each and every offense, and twenty-five dollars for each week's continuance of the act or building prohibited. Such penalties shall be collected of the person or persons offending in a civil action.

Power of trustees.

§ 4. The trustees are hereby empowered to procure one fire engine or other necessary and convenient apparatus for the prevention and extinguishment of fires, and to provide safe and convenient places for keeping the same, and for that purpose, to purchase a lot or lots not exceeding fifty feet wide by one hundred feet long, and cause the necessary buildings to be erected thereon, and assess the cost of such engine and fixtures, lot or lots, and necessary buildings, in such payments as may be agreed upon with the parties of whom purchased, on the taxable property of the corporation, in any general or special tax list, from year to year, as such payments shall become due, or may issue a special assessment and tax list for that purpose upon the last assessment roll made next preceding such special assessment and tax list.

§ 5. The trustees shall be fire wardens, and shall have power to appoint such other fire wardens as may be necessary.

§ 6. The board of trustees are authorized and empowered to contract debts and liabilities binding upon the corporation, in the purchase of fire engines and necessary and convenient apparatus therefor, and for repairing the same or exchanging old for new, and in the purchase of a lot or lots, as hereinbefore mentioned, and for the erection of an engine house and town hall on the same, and repairs thereon, and for repairs on the streets and sidewalks, and to borrow money for the liquidation of

the same, but such debts shall not at any one time exceed the sum of four thousand dollars, and issue the corporation bonds therefor, which bonds shall be signed by at least four members of the board of trustees, and countersigned by the secretary and treasurer.

Power of trustees.

§ 7. The board of trustees shall have power, by resolution, to authorize and require the fire wardens of said village, or any one of them, to enter any building and inclosures in the daytime to ascertain whether their arrangements for fire or the preservation of ashes are dangerous, and to cause such as are dangerous to be put in a safe condition, and such resolution or resolutions or any by-law relating thereto shall be a justification to such fire warden for all acts done under and authorized by the same, and any person refusing to comply with regulations other than those prescribed in the fire limits for the prevention of fires, may be punished by such fine as shall be prescribed by the board of trustees, not exceeding the sum of twenty-five dollars.

When lands to be taken for streets, &c., and proceedings thereon regulated.

§ 8. Whenever any street, alley, lane, highway or public ground, shall be laid out, altered, widened or straightened by virtue of this act, the trustees shall give notice of their intention to take and appropriate the land necessary for the same to the owner or owners thereof, by publishing said notice for three weeks in one or more of the village papers, and if there is no paper printed in said village, the trustees shall give the said owner or owners, or their agents of said land a written notice, and, besides, putting up three public notices in said village, in order that such owner or owners may file with the clerk of the village his or their claim for damages, on account of such taking and appropriation; and if any such claim shall be so filed within the three weeks, the trustees shall give notice to all such claimants, by publishing such notice in one or more of the village papers, or by public notice as above stated, for two successive weeks, of an application to a court of record, to be designated in such notice, for the appointment of three commissioners, residing in said village, to ascertain the damages so claimed, which notice shall specify the improvement to be made, the time when, and place where such application will be made to said court for the appointment of such commissioners. At the time and place in said notice specified, the board of

Application to court.

trustees, by the clerk or such other officer as shall be designated for that purpose, shall make application to the said court for the appointment of such commissioners to ascertain and assess the damages so claimed; and said claimants shall have the right to be heard thereon before said court. The said court shall thereupon, by a rule to be entered in the minutes thereof, proceed to appoint said three commissioners to ascertain and assess the damages so claimed, and, at the same time, to determine what person will be benefited by such improvement, and to assess the damages and expenses thereof upon the real estate of the persons benefited, in proportion, as near as may be, to the benefit resulting to each. The hearing of such application may be adjourned from time to time by said court. The commissioners shall be sworn by any justice of the peace, or the police justice of said village, faithfully and impartially to execute their duty in making such assessment according to their ability; they shall view the premises and receive any legal evidence, and may adjourn from day to day. They shall, before entering upon their duties, give notice to said claimants of the time and place of their meeting, for the purpose of viewing the premises and of making such assessment, at least five days before the time of such meeting, by publishing such notice in one or more of the village papers, or by posting three public notices in said village. They shall determine and award to the owner or owners of such land so claiming damages such damages as they will, in their opinion, sustain by the completion of the improvements, after making due allowances for any benefit which said owner or owners may derive therefrom. They shall, at the same time, assess and apportion the said damages and expenses of such improvement on the real estate benefited thereby, as nearly as may be, in proportion to the benefits resulting therefrom, and shall briefly describe the real estate on which any assessment is made by them. If there be any buildings on the land taken for such improvement, the value of such building to be removed shall be ascertained in the assessment, and the owner thereof may remove the same in ten days, or in such other time as the trustees shall allow, after the confirmation of the return of the commissioners. If he shall so remove said building, the value thereof so ascertained shall be deducted

Commissioners may be appointed.

Damages may be awarded.

Confirma-
tion of
award.

Hearing be-
fore trust-
ees.

from the damages awarded to him. The determination and assessment of the commissioners, signed by the trustees, shall be returned by them to the trustees within thirty days after their appointment. The said court may, if sufficient objections are made, appoint other commissioners to serve in their places in the manner above provided: and the board of trustees, after the determination and assessment of the commissioners is returned to the trustees, shall give two weeks' notice in one or more of the village papers, or by posting three public notices in said village, that the same will on a day specified in said notice, be confirmed, unless objections by some person interested are made thereto. All such objections shall be briefly stated in writing, and filed with the clerk. If no such objections are so made, the determination and assessment shall be confirmed by the trustees. If objections are made as aforesaid, any person interested may be heard before the board of trustees touching the matter on the day specified in such notice, or on such other day or days as the trustees shall appoint and they shall either confirm such determination and assessment or annul the same and refer the same subject matter back to the same commissioners, or to five other commissioners appointed by such court for the purpose as hereinbefore provided. The commissioners shall proceed in all things, in making and returning the second assessment, as though it were the first assessment, and the trustees shall, in all respects, proceed thereon as though it were an original assessment. In case the board of trustees shall confirm the second assessment and determination of said commissioners, the same shall be final and conclusive on all persons interested: but in case the trustees shall annul the same, then all the proceedings in relation to the matter shall be null, but nothing herein contained shall authorize the trustees to discontinue or construct any street or highway or any part thereof without the consent, in writing, of two-thirds of all persons owning land adjoining such street or highway. On final confirmation of the report and assessment, the same, together with a copy thereof, shall be filed with the village clerk.

Chap. 161.

amend chapter one hundred and one of eighteen hundred and sixty-two, an act in relation to the support and indigent insane persons of the county passed April first, one thousand eight hundred and sixty-two.

April 17, 1863; three-fifths being present.

the State of New York, represented in the Senate and Assembly, do enact as follows:

That the title of the act to amend chapter one of the Laws of eighteen hundred and sixty-two, entitled "An act in relation to the support and indigent insane persons of the county of Albany," passed April first, one thousand eight hundred and sixty-two, be and the same be hereby amended so that it shall read as follows: "An act in relation to the support and custody of insane persons in the county of Genesee."

Section of said act is hereby amended so that it shall read as follows:

That the Justices of the peace of the county of Albany be and they be authorized and empowered to take charge of the lunatic asylum connected with the county of Albany, all indigent insane persons committed to the State lunatic asylum of Utica, who have been removed to said asylum by virtue of a certificate of a county judge of said county; also, all persons who have been removed to said asylum by a county judge, in pursuance of section one of the Act to organize the State lunatic asylum, and to effectually to provide for the care, support and maintenance of the insane, passed April first, one thousand eight hundred and forty-two, and the laws relating thereto, be and they be amended so as to read as follows:

That the county judge of said county shall, upon the application of any person interested in this act, make a certificate concerning the same in indigent circumstances, not a certificate of chapter twenty, title three, of the Revised Statutes, or when the county judge shall make an order in pursuance of the same, concerning any insane person in

confinement, as provided in said chapter, such insane person shall be admitted into the insane asylum connected with said poor house, mentioned in the first section of this act, there to remain at the expense of said county, until he or she shall be restored to soundness of mind, or discharged by the superintendents of the poor, or otherwise in accordance with the provisions of said chapter twenty.

§ 4. This act shall take effect immediately.

Chap. 162.

AN ACT to extend the time for the collection of taxes in the town of Orangetown, in the county of Rockland.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. If the collector of the town of Orangetown, in the county of Rockland, shall pay over all moneys collected by him and renew his bond to the satisfaction of the supervisors of said town then the time for the collection of taxes in said town shall be extended to the first day of May next.

§ 2. This act shall take effect immediately.

Chap. 163.

AN ACT to authorize the board of supervisors to fix the salary of the clerk of the board of supervisors of Montgomery county.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The clerk of the board of supervisors of Montgomery county shall receive for his services as such clerk annually, such sum as shall be fixed by the board of supervisors, not to exceed the sum of one hundred and

fifty dollars, and shall receive no other or further compensation or perquisite for his services.

§ 2. This act shall take effect immediately.

Chap. 164.

AN ACT to incorporate the village of Waverly, in the town of Barton, county of Tioga, and to repeal its present charter.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that part of the town of Barton, in the county of Tioga, within the following limits, to wit: Beginning on the boundary line between the States of New York and Pennsylvania, at the southeast corner of land owned by Owen Spalding, and running thence south eighty-five degrees and five minutes east twenty-four chains and twenty-five links; thence north ten minutes east twenty-three chains and forty-two links to the south line of land owned by Silas Fordham; thence north along the line of said Fordham's land, eighty-six and one-half degrees west seven chains and twenty-three links; thence north three and three-fourths degrees west four chains and four links; thence north eighty-six and one-half degrees west seven chains and nineteen links, to the east line of lands owned by Owen Spalding; thence north eighty-six and one-half degrees west two chains and twenty-nine links; thence north on Spalding's east line, nineteen and one-half degrees east thirteen chains and thirteen links; thence north on the east line of land belonging to Peter Wentz, five degrees west twenty-five chains and seventy-four links, to a stake on Walker's south line; thence south eighty-one and one-half degrees west ninety-five chains and fifty links; thence south fifty-four degrees west seventeen chains and twenty-five links to the Chemung river; thence in a southerly course along said river, thirty-four chains and twenty-two links, to the state line aforesaid; thence south eighty-five degrees and five minutes east one hundred and twenty-one

Corporate limits.

chains, to the place of beginning, shall constitute the village of "Waverly," and the inhabitants residing therein are hereby declared to be a body politic and corporate, by the name of "The village of Waverly," and as such shall have perpetual succession, and may sue and be sued, complain and defend, in any court of law or equity; may take, hold, purchase and convey real estate and personal property, as the purposes of such corporation may require; adopt and use a common seal, and alter the same at pleasure, and may exercise such other power as is or may be conferred by law, or as shall be necessary to carry the powers conferred on such corporation into effect.

May hold
property.

Seal.

Officers.

Term of
office.

Who elig-
ible.

Inspectors
of election.

Place of
election.

§ 2. There shall be elected hereafter, by ballot, within and for said village, by the electors resident therein, one president, four trustees, one assessor, one treasurer, and one collector. The persons so elected shall be inhabitants and electors of said village, and shall hold their offices for the term of one year; and the board of trustees may, from time to time, appoint one clerk, one street commissioner, one or more fire wardens, one pound master, and a chief engineer of the fire department, upon the recommendation of the fire department, and such other officers and agents as are in and by this act authorized and provided for. The officers of said village appointed, shall hold their respective offices during the pleasure of the board of trustees. No person shall be eligible, or appointed, to any office, unless he shall be at the time a resident and elector of said village, and whenever any officer, elected or appointed, shall cease to be a resident of said village, his office shall thereby become vacant.

§ 3. The trustees of said village shall be inspectors of election, and said trustees, or a majority of them, as such inspectors, shall preside at and conduct all elections in and for said village; and in case such inspectors shall neglect or refuse to attend and hold any election, at the time and place fixed for holding the same, the electors present may appoint three persons (electors of said village) as inspectors to preside at and hold such election.

§ 4. The trustees shall appoint the place for holding the annual election, and cause notice thereof to be posted, at least ten days before the day of holding the

same; and in case the said trustees shall neglect so to appoint a place, the election shall be held at the place of the last preceding annual election.

§ 5. The first election under this act shall be held on the first Tuesday of May, eighteen hundred and sixty-three, and the annual election shall be held on the third Tuesday of March in each year thereafter. The polls of said election shall be opened at one o'clock in the afternoon, and kept open until five o'clock of the same day; and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and shall make out and certify a statement thereof, and therein also certify who, by a plurality of votes, are elected to fill the offices voted for, and file the same with the clerk of the village, and the persons who are trustees of said village when this act takes effect, shall be and remain trustees until the persons elected under this act shall be qualified to act, and shall possess all the powers and perform all the duties given and required by this act.

Time of elections, and manner of conducting them.

§ 6. The provisions of the act concerning elections, other than for militia and town officers, passed April fifth, eighteen hundred and forty-two, with the amendments and additions thereto made, are hereby declared applicable to the village of Waverly, and to the elections to be held under this act, except so far as they are inconsistent with the provisions of this act.

Act of 1842, applied.

§ 7. The several officers elected or appointed under this act, shall each, before entering upon the duties of his office, take and file with the clerk the oath of office prescribed by the constitution.

Oath of office.

§ 8. In case of a tie at an election, or a vacancy happening in any elective office, the trustees may supply such office by appointment until the next annual election, or call a special election for that purpose, by giving the same notice thereof as is required in this act for annual elections, and which shall be conducted in all respects as annual elections.

Vacancies.

§ 9. All officers elected or appointed under this act shall hold their respective offices, unless sooner removed or disqualified, until their successors shall be elected or appointed and qualified.

Officers to hold, until successors appointed.

§ 10. Every person elected or appointed to office under this act, who shall refuse or neglect to take and file

Neglect to file oath of office.

the oath of office required by this act, for five days after personal notice in writing from the clerk of his election or appointment, shall be deemed to have declined the office, and his place may be filled as in case of vacancy.

Officers to
execute
bond.

§ 11. The treasurer, collector, street commissioner and such other officers as may be required by the board of trustees so to do, shall severally, before they enter upon the duties of their respective offices, execute a bond to said village, in such sum and with such sureties, as said board shall direct and approve, conditioned that they will faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively, and file the said bond with the clerk of said village.

When off-
ices, de-
clared
vacant.

§ 12. If any officer, elected or appointed, other than a trustee, shall neglect or refuse to comply with the requirements of the board of trustees, or to perform his duty as such officer, said board may declare his office vacant, and supply the same as in case of vacancy.

Meetings of
trustees.

§ 13. The board of trustees shall hold stated meetings at such times and places as may be determined by them, and special meetings whenever called by the president or any two trustees, by notice to each member of the board, served personally, or by leaving the same at his place of residence. Votes upon any question shall be taken by ayes and nays whenever required by the president or any trustee, and entered in the minutes.

Quorum.

§ 14. A majority of the board of trustees shall constitute a quorum for the transaction of business. During the temporary absence of the president, or his inability to serve, any one of the trustees may be appointed president *pro tem*.

Duties of
clerk.

§ 15. The clerk shall attend and act as such at all village elections and at all meetings of the trustees of said village, record their proceedings, file and keep all books and papers appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws and ordinances, keep a poll list of every election held under this act, and notify all persons of their election or appointment to office under the same, and perform such other duties as the trustees may, from time to time, prescribe. He shall at all times, on demand of any taxable inhabitant of said village, produce for

books and papers in his office, and upon a tender of fees at the rate of six cents, furnish a certified copy or transcript of records filed with him as such clerk. Records duly filed in his office and transcripts of the proceedings of the board of trustees by him under the corporate seal, shall be received in all courts of this State in like manner as records are produced. In case of the absence of any of the meetings or elections at which he shall officiate, his duties shall be performed by the board of trustees shall, for the same, be liable to the same.

The treasurer shall receive all moneys belonging to the village, and disburse the same under the direction of the board of trustees; make and keep a book of all such receipts and disbursements; and two weeks before the annual election, furnish to the clerk of the village, an account of the finances of said village, and of the receipts and disbursements during the year, and at every time, by the board of trustees, furnish them with a statement in relation to the finances, and the receipts and disbursements and debts, dues and demands of the village, as the said board may, by resolution, require, and perform such other duties as the said board may ordain.

It shall be the duty of the officers and agents created by this act to exercise and perform such duties as shall be prescribed by the board of trustees.

The president shall annually prepare a report of the transactions of the village for the previous year, showing all moneys received, and from what sources, and all payments made, and each item, and the condition of the village, and for what cause the same shall also prepare an estimate of the amount to be raised by tax for the ensuing year, for the purposes. Said report and estimate shall be prepared by the president and filed with the clerk of the village prior to the annual election.

The president shall be the chief executive officer of the village; he shall preside at the meetings of the board of trustees.

Duties of treasurer.

Duties of other officers.

President to report.

Duties of president.

the trustees, and have the casting vote whenever there is a tie; he shall see that the provisions of this act and the by-laws of the village are faithfully executed, and shall receive complaints, and institute prosecutions for their violation, and prosecute, in the corporate name, all offenders against the by-laws, rules and ordinances of said village, and for all penalties and forfeitures incurred under the provisions of this act, or under any of the by-laws, rules and ordinances made by virtue thereof, and to do all such other things as may be proper for him as such president, and shall, on behalf of the village, execute all deeds, leases and contracts to be executed as the act of the village, under the corporate seal, when so authorized by the board of trustees.

Powers of president.

§ 20. The acting president or any trustee shall have the power, and it shall be his duty, to suppress riots, and to order and compel all tumultuous assemblies to disperse, and he shall have the same power for the purpose as is given by law to sheriffs in case of resistance to process.

Duties and powers of trustees.

§ 21. The trustees shall have the management and control of the finances, and of the property, real and personal, belonging to said corporation, and shall examine, settle and allow all such accounts and claims against the village, of its officers and others, as are just and legal; and it shall be the duty of the trustees, and they shall have power:

First. To prescribe and define the powers and duties of the officers and agents of said village, whose powers and duties are not specifically declared in this act, and fix and determine the compensation of the clerk, treasurer, and of all officers and agents appointed.

Second. To provide for the care, custody and preservation of the public property, records and papers of the village, and to insure the same.

Third. To organize and keep under good and efficient organization one or more fire companies, and one or more hook and ladder and hose companies, of not exceeding fifty men to each fire engine, and twenty men to each hook and ladder or hose company; and to procure fire engines, hooks, ladders, hose and other implements for the extinguishment of fires, and to compel the owners or occupants of buildings to provide two or more fire

buckets or pails, and regulate the place and manner of keeping the same.

Fourth. To appoint and dismiss firemen, including members of fire engine, hook and ladder and hose companies, and to make rules and regulations for the conduct and government of fire, hook and ladder and hose companies and members thereof.

Fifth. To prevent the use of any and all unsafe fire-places, stoves, chimneys, stove-pipes, fixtures, smoke-houses and repositories of ashes, and to compel the same to be put into safe condition; and to direct and authorize fire-wardens, from time to time, to examine and inspect, in the day time, all buildings, dwelling-houses and premises in said village, and to put the same in such condition as said fire-wardens, or either of them, shall deem safe, at the expense of said village, which expenses may be recovered, by action against the owners or occupants thereof, in the corporate name.

Sixth. To prohibit or license exhibitions of wild animals, mountebanks, circus and theatrical performances, and other shows and performances; and for granting any such license the trustees shall demand and receive, for the benefit of the village, such sum of money as they shall deem proper.

Seventh. To prescribe the manner in which the treasurer shall keep the accounts and vouchers of his office, and also the manner in which the clerks shall keep the records and papers of the village, and to examine such accounts, vouchers, and records from time to time.

Eighth. To suppress disorderly houses, houses of ill-fame, gaming houses, billiard tables, bowling alleys, and all instruments and devices for gambling, and to prohibit all descriptions of gaming and lotteries.

Ninth. To restrain and punish vagrants, mendicants, beggars, keepers of houses of ill-fame, and disorderly persons, and to prevent and punish drunkenness and disorderly or immoral conduct in public streets or places.

Tenth. To direct and control the location of all slaughter-houses, markets or shops for the selling of meat, houses for storing gunpowder and other combustible and explosive substances, and to regulate the keeping, selling and conveying thereof.

Eleventh. To prevent horse-racing, immoderate driving

and riding in said village, and to prevent persons leaving horses or teams in the streets of said village without being tied or fastened, or on crosswalks.

Twelfth. To give names to the streets and number the lots in said village, and to prevent or regulate the placing of signs, awnings, or other fixtures, over the sidewalks in said village.

Thirteenth. To prevent the incumbering or obstructing of any street, highway, crosswalk, sidewalk, sewer, ditch, gutter or sluice in said village, and to compel the owner or occupant of any premises in said village to clear the snow and ice, dirt, or any material or other substance, off the sidewalk in front of such premises, and in default thereof the trustees shall have power to remove or clear the same from any premises so making default, and to assess the expense of such removal upon said premises, as other taxes and assessments are in this act authorized to be assessed and collected, and all such expenses are hereby declared to be a lien upon said premises.

Fourteenth. To permit building materials to be deposited on the street in front of any lot, to such extent and for such time as they may prescribe.

Fifteenth. To prevent or regulate the ringing and tolling of bells, the blowing of horns, the crying of goods and wares in the streets, firing of guns, gunpowder or explosive compounds, the making of any improper noise tending to disturb the peace and quiet of said village, and the firing, sale or exposure of fire-crackers, rockets, squibs or other explosive compounds.

Sixteenth. To prevent or regulate ball-playing, flying of kites, rolling of hoops, or any other practice which the trustees may deem dangerous to frighten horses, or annoy or injure any passengers, traveler or citizens.

Seventeenth. To prevent the inciting of dogs to fight, and to prevent or regulate the running at large of dogs in said village, and to authorize their destruction.

Eighteenth. To prohibit and abate nuisances.

Nineteenth. To prohibit the depositing in or upon the surface of the ground, or in creeks, canals and ponds in said village, any dead carcass, animal or other unwholesome or nauseous substance, and to cause any such thing or substance found so deposited to be removed or destroyed at the expense of the village, and to authorize

the prosecution of the owner or occupants of the premises where the same may be found, or of the person or persons so depositing the same, for the collection of such expenses, who are hereby declared to be liable for the same.

Twentieth. To compel the owners or occupants of any butcher's stall, privy, sewer, sink or other unwholesome place or thing, to cleanse the same from time to time, so often as in the opinion of the trustees the same may be necessary for the health of the village.

Twenty-first. To cause victualing houses, ordinaries and groceries to be closed on the Sabbath.

Twenty-second. To establish, maintain and regulate a public pound, and to regulate the impounding of animals therein.

Twenty-third. To restrain cattle, horses, sheep, swine and other animals from going at large in said village, under such penalty as they shall, in their by-laws, prescribe, and to cause any such animal going at large to be impounded and sold to satisfy such penalty, and the fees and expenses of the pound-master and of the sale, in such manner as may be provided in the by-laws; or, in their discretion, to proceed, by an action at law, for the collection of such penalty from the owner of such animal, who is hereby declared liable therefor.

Twenty-fourth. To make and enforce all necessary regulations to prevent the spread of epidemics or contagious diseases, and to establish and maintain pest-houses whenever they shall deem it necessary, and to appoint persons to superintend and take charge of the same.

Twenty-fifth. To appoint one or more health commissioners, who, with the president of the village, shall constitute the board of health of said village, and such board of health shall be subject to the provisions of the act entitled "An act for the preservation of the public health," passed April tenth, eighteen hundred and fifty, in addition to the powers and duties conferred and imposed under this act.

Twenty-sixth. To appoint attorneys and employ counsel in the prosecution or defense of any action by or against the village, and for the transaction of any business of the village requiring professional skill.

Twenty-seventh. To prevent encroachments on the streets and highways in said village, and to cause to be

removed any building, structure or thing encroaching on any street or highway therein, at the expense of the person or persons authorizing or maintaining such encroachments, which expenses may be recovered of such persons in the corporate name.

Twenty-eighth. To make all such general rules, regulations and ordinances as they shall deem necessary for the good government of the village, not inconsistent with the provisions of this act and the constitution and laws of this State.

Twenty-ninth. To build or provide, maintain, furnish and regulate a watch house and lock-up in said village and to appoint a keeper thereof. And for the purpose aforesaid, or any of them, or of executing any other powers conferred upon them by this act, to make, establish and publish, modify, amend and repeal ordinances, rules, regulations and by-laws, and to prescribe such penalties or fines as they may deem proper for the violation of them, not exceeding fifty dollars for any one offense, except as herein otherwise provided, and to collect the same of any person guilty of said violation in any court having jurisdiction of such cases; but all such ordinances, rules, regulations and by-laws shall be published at least two successive weeks in some newspaper of said village, or by posting the same in three conspicuous public places in said village, before they shall take effect.

Suits for
fines, &c.,
and expense
thereof.

§ 22. All expenses incurred for the prosecution of any fine, forfeiture or penalty, shall be defrayed by the corporation; and all fines, penalties and costs when collected, shall be paid to the treasurer for the use of the village, except as herein otherwise provided. When judgment shall have been recovered for any such fine, forfeiture or penalty, the execution thereon shall direct that if the person or persons against whom it shall have been recovered, have no property whereof the judgment can be collected, such person or persons be imprisoned in close custody in the jail of Tioga county, for a term to be specified in said execution, not exceeding thirty days, and it shall be executed accordingly.

Imprison-
ment of
offenders.

Duties of
clerk.

§ 23. The clerk of the village shall make and sign an entry or record, in the book to be provided for that purpose, of every ordinance and by-law enacted by the

es, and of the time of publication thereof, record, or a copy thereof, certified by the village, shall be presumptive evidence in places of the due passage of such ordinance, and of their having been duly published. Trustees shall have the power to raise by taxable inhabitants of said village, and the liable to taxation, such sum of money seem proper, but not to exceed the sum of dollars in any one year, to be expended in debts and expenses of the corporation, to effect the several powers and privileges act.

Trustees
may raise
tax.

ever the trustees of said village shall, provisions of this act, direct any sum of raised by tax, it shall be the duty of the village to proceed forthwith, when directed of trustees, to assess or apportion the among the owners of real and personal properties, companies, and associations, lands, and the inhabitants of said village liable the same manner as assessors of towns are the assessments by law, as nearly as practicable complete their tax and assessment roll as the board of trustees may direct.

Duty of
assessor.

village assessor is hereby invested with the respect to assessments as town assessors, power to administer oaths; and, associated agent and street commissioner, (forming a purpose,) to correct valuations on the persons interested; but said board must fix place, in said village, of their meeting to us, to correct the valuations, and give notice by the posting of not less than five ten days prior to the time appointed for

Authority
of assessor.

l be the duty of the assessor, upon the the tax or assessment roll, to deliver the clerk of said village, and file a true copy of the treasurer. It shall be the duty of the clerk of said village forthwith to execute rate seal, and attach to such roll a warrant collector for the collection of such tax,

Assessment
roll to be
filed with
clerk.

Warrant to
issue.

similar in form to the one prescribed by law for the collection of town and county taxes, specifying therein within what time the same shall be returned.

Duties of
collector.

§ 28. Upon the delivery to him of any such roll and warrant, the collector shall deposit with the village clerk a copy of the warrant with his receipt indorsed thereon acknowledging the reception by him of the original roll and warrant, and thereupon shall proceed to receive and collect the taxes in said roll specified. It shall be his duty immediately to publish notice by posting the same in three public places in said village, designating some convenient place within the village for receiving payment of taxes, for twenty days next after a day in said notice to be specified; and any person may pay his tax at the time and place so designated, on paying two per cent fees thereon; such collector shall not receive over two per cent for receiving and collecting any taxes within the said twenty days, and thereafter he shall proceed to collect the unpaid taxes in his roll specified, in the manner provided by laws for county taxes, and shall have and possess the powers and authority conferred by law on the collectors of county taxes, and shall in like manner pay over all moneys collected by him to the village treasurer, and take his receipt therefor. The collector shall make returns to the village treasurer of the amount collected and paid over by him, and of the taxes remaining unpaid; and by making return on oath to the treasurer, similar in all respects to the oath required by law of the collectors of county taxes, he shall be credited by the village treasurer with the amount so remaining due and unpaid. Upon all taxes collected after said twenty days such collector shall be entitled to collect and receive five per cent, for his fees.

Ten per
cent on un-
paid taxes.

§ 29. All taxes and assessments which shall remain unpaid for three months after the date of the warrant authorizing the collection thereof, shall bear interest at the rate of ten per cent per annum, from the date of the warrant, and such tax and interest may be sued for and recovered by the village against any person liable therefor. In any action brought to recover any taxes aforesaid the assessment or tax roll shall in all cases be *prima facie* evidence of the right of recovery of the amount of such assessment.

ard of trustees may authorize the renewal
e of any warrant issued for the collection
essments returned uncollected, or the issu-
ant for the collection thereof, and direct
hich the same shall be renewed or issued,
e returned. It shall be the duty of the
clerk, whenever so authorized, to execute
a new warrant accordingly, under the
and the same proceedings shall be had
n the warrant first issued after the expira-
e for receiving taxes, at two per cent.

Renewal of
warrants.

ver any person upon whose real estate or
shall be assessed under this act, shall neg-
o pay the same, and there shall be no per-
found whereon the same can be levied, or
uch tax can be collected, the collector shall
ereof to the clerk, and thereupon the said
horized to cause the estate on which said
to be sold at public auction for a term of
payment of such tax, with interest at the
foresaid, giving six weeks' notice of such
aper published in said village, or by post-
at least eight conspicuous places, within
aid village, and serving personal notice on
uch estate, or his agent, if a resident of
by depositing the same in the post office
h owner at his place of residence, or the
ice thereto, if known. In case such owner
ident, and had no agent who is a resident,
dge of said trustees, upon such sale, such
be sold to the person who shall offer to
for the shortest time, for the payment of
interest at the rate aforesaid, and the ex-
notice and sale. The trustees shall there-
ent thereof by such purchaser, deliver to
ate of such sale, signed, by the president,
rate seal affixed thereto. The execution
ates may be proven or acknowledged as
ecorded in like manner and with like effect
yances of land.

When real
estate to be
sold.

owner of such real estate or property, his
s, shall not, within six months after such
ing personal notice on the owner of such

If owner
fails to re-
deem, pur-
chaser may
take posses-
sion.

estate, or his agent, if a resident of said village; or by depositing the same in the post office directed to such owner at his place of residence, or the nearest post office thereto, if known, pay or tender to the purchaser, or his legal representatives, or to the treasurer of the village, the amount so paid by him, with interest at the rate of fourteen per cent per annum, such purchaser, or his legal representatives may immediately after the expiration of six months from the time of serving the notice aforesaid, enter into possession of said real estate, in case such real estate is not redeemed from such sale, and hold, occupy and enjoy the same during the term for which it was sold; and said certificate, duly approved or acknowledged, shall be presumptive evidence of the right of said purchaser, after said six months, to receive possession thereof. In case there is a redemption from any sale made within the time aforesaid, an indorsement shall be made on the certificate of sale, showing such redemption to be signed by the holder of such certificate. The said certificate thus indorsed shall be filed with the clerk of said village and preserved by him.

Clerk to
make an en-
try of sales.

§ 33. It shall be the duty of the clerk in all cases of such sale, to make an entry of the same, in the minutes of said board, with a description of the property sold, the amount for which the same was sold, the length of the term or time and the name of the purchaser. In case the certificate of sale with an indorsement thereon showing a redemption from the sale therein mentioned as specified in the last preceding section, shall be filed with the said clerk, he shall thereupon note upon the minutes of said board where the said sale was entered, a certificate of such redemption, giving the date thereof.

Trustees to
be commis-
sioners of
highways in
corporation

§ 34. The said village shall be exempt from the jurisdiction and control of the commissioners of highways of the town of Barton, aforesaid; and the said village is hereby declared a separate road district. The trustees of said village shall be commissioners of highways in and for said village, and shall have all the powers of commissioners of highways, subject to the provisions of this act, within the corporate bounds of said village. Nothing in this section or in this act contained, shall compel the said village to construct or maintain the highway bridges within the bounds of said village; but they shall

continue to be constructed and maintained as heretofore, by the town aforesaid, and subject to the supervision and control of the commissioners of highways in said town as heretofore.

§ 35. The trustees shall, on or before the fifteenth day of May of each year, determine the amount of street and highway labor necessary for said village, and make a list and statement of all the inhabitants in said village liable under the statutes of this State to work on highways; and of the real and personal property of corporations, companies and associations in said village liable to be assessed for such labor, and assess the same in the same manner as town assessments are authorized to be made for such purpose, having reference to the last village assessment roll for the amount and value of the real and personal property, and file such list and assessment roll, signed by them, with the clerk of said village, and a copy thereof, with a warrant annexed, signed by the president and clerk, under the corporate seal, directing the collection of money instead of requiring labor, at the rate of not exceeding seventy-five cents per day for the time so assessed, shall be delivered to the collector of said village, who shall collect the same as other taxes in said village are authorized to be collected, and within the time required by said warrant, pay the same to the treasurer. The trustees shall make a list from such assessment roll of the persons taxed one day only as poll tax, and deliver the same to the street commissioner, who shall forthwith notify the persons therein named, and demand of them and each of them one day's labor, directing when, where and in what manner he may require the same to be performed, and in case the labor is not performed at the time and in the manner so required, he shall forthwith demand payment of the same of the persons therein named at the rate aforesaid, and any such person neglecting or refusing to pay the same for twenty-four hours after such demand, shall forfeit the sum of one dollar and fifty cents, to be sued for and collected as in this act is provided for the collection of penalties and forfeitures. The amount of such list shall be credited to the collector on his warrant.

Trustees to determine amount of highway labor, and make assessments for same.

Warrant.

Poll tax.

§ 36. The board of trustees shall have power in their discretion to authorize and require the grading, paving,

Construction and repairing side

and cross-
walks,
streets, &c.

Proviso.

Manner and
time of im-
proving
highways
and walks.

Notice to
owners and
occupants
of lands,
and manner
of service.

When trust-
ees may
make im-
provements
and charge
owners of
lands.

planking, flagging, curbing, guttering, sewerage, reconstructing and repairing of the whole or any part of the sidewalks or crosswalks of any streets or alley in said village as they shall think proper, and according to the grade which shall or may be established by them, and to cause any street, highway, lane or alley in said village to be graded, graveled, stoned or paved, and to compel the owners or occupants of any lands or lots adjoining such street, highway, lane, alley or sidewalk, to make such improvement in front of the lands or lots of such owners or occupants respectively, provided that they shall not demand or require any expenditure of any such owner or occupant exceeding the sum of forty dollars for one hundred lineal feet for sidewalks.

§ 37. The board of trustees, in their resolution requiring any such improvement of the sidewalks, highways, streets, lanes or alleys, shall specify with what material, in what manner, and within what time they require the same to be done, and cause to be served, at least thirty days before the expiration of the time therein specified for such performance, upon the owners or occupants of the lands adjoining such sidewalk, street, highway, lane or alley to be improved as aforesaid, residing in said village, a copy of such resolution, personally, or by leaving the same at the place of business or residence of such owner or occupant, with a person of suitable age. In case any such land is unoccupied, and the owner is a non-resident, such service may be made by depositing a copy of such resolution in the post office, properly inclosed and directed to such owner at his place of residence, if known; but if the residence of such owner is not known, then by affixing the same upon a conspicuous part of such premises. Service aforesaid upon any one of several owners of any such lands or premises shall be deemed service upon all. In case the improvement so required, or any part of the same, shall not be completed as required within the time limited, the trustees shall have power to complete the same, and the expenses of so doing shall be a charge against the owners respectively of such real estate, to be enforced and collected by prosecution or sale, as taxes and assessments of said village are authorized and collected, with interest, costs and expenses. In case such owner or occupant shall fail to complete such improvement

as required, affidavits of the service of said resolution, of said default, and of the amount of expenses incurred in completing the same shall be filed with the clerk of the village, and shall be presumptive evidence of the facts therein stated, and of the amount of expenses incurred as aforesaid, and may be given in evidence in any action brought to recover the same.

§ 38. The board of trustees may appropriate so much of the moneys raised for highway purposes as they may deem just and equitable in aid of the improvement as aforesaid of any street, highway, lane or alley, but this section shall not be so construed as to authorize the said trustees to render any such aid in the construction or improvement of any sidewalk.

Trustees may appropriate moneys for highway purposes.

§ 39. The trustees shall have power to lay out, open, make, straighten, widen, extend, alter and discontinue streets, highways, alleys, lanes, side and crosswalks, drains and sewers in said village, and may lay the same through any lands, garden, orchard, or inclosure, and take and appropriate the lands necessary for such improvement, and it shall be the duty of said trustees to direct and regulate the laying out, making and grading of the same, and to cause the same to be repaired and cleansed from time to time, and to regulate the planting of ornamental trees in the streets and public grounds of said village, and to preserve the same.

Powers of trustees, relating to streets, &c.

§ 40. Whenever the trustees shall determine to make any such improvement requiring the appropriation of lands, they shall cause to be made and filed with the clerk of the village a survey thereof, together with a brief description of the lands required therefor, and of the lands and tenements which they shall adjudge will be benefited thereby, and cause notice of motion to the county court of Tioga county, for the appointment of commissioners to determine, ascertain and assess the damages, to be served on the owners or occupants of the lands required, and of the lands and tenements so adjudged to be benefited as aforesaid, in the same manner as service is authorized and required to be made in and by section thirty-seven of this act, at least five days before the time therein specified for the making thereof, in which the persons so served with notice may appear and shall be heard, and if it shall be made to appear that

When lands to be surveyed, and the proceedings thereon regulated, relating to improvements

County
court may
appoint
commis-
sioners-

said trustees have complied with the requirements of said act, the said court shall appoint three resident freeholders of said village commissioners, and fix, in and by the order of appointment, the time and place for the hearing of said village: copies of which order shall be posted in three or more public places therein at least five days before the time fixed in such order for the hearing. No other or further notice therefor shall be required. Such commissioners shall be sworn faithfully to discharge the duties of their office, and, at the time and place mentioned in said order, meet to hear the proofs and allegations of the parties, and may adjourn from time to time, administer oaths to, and examine witnesses, and shall view the premises in question; ascertain and determine the amount of damages which the owners of lands so required, as aforesaid, respectively, will sustain over and above the benefits resulting to the real estate of such owners by reason of such improvement when completed. It shall be the further duty of the commissioners to apportion and assess the aggregate of such damages, together with the costs and expenses of such proceedings (which costs and expenses shall not exceed fifteen dollars) upon the several parcels and lots of land so adjudged to be benefited as aforesaid, according to the benefits resulting thereto, respectively, by reason of such improvement, as nearly as may be, and make and file with the clerk of said village a report of their decision and assessment, signed by them, or a majority of them, within ten days from the time fixed for said hearing; and in case the commissioners so appointed shall, for any cause, neglect or refuse to serve or appear at the time and place so appointed for the hearing, the county court may appoint other commissioners in the place of those neglecting or refusing to serve or appear, as aforesaid, from time to time as may be necessary, and fix such other time and place for the hearing as may appear just, and may change the time for good cause, and in case the commissioners so appointed by this act shall fail to make their report within the time required by this act, the county court may require them, by order, to make and file such report within such time as to the court may seem just, to be expressed in said order, and for a violation of which they may be attached and punished, as for

court, by fine and imprisonment, or either, at the discretion of the court.

Appeal to said court from such decision and may be brought by any owner of the lands aforesaid, by filing with the clerk of the court thereof, specifying therein the grounds of appeal, and serving a copy of the same on said commissioners, paying them three dollars for making return in ten days after the time limited for the said report; and said commissioners shall, ten days thereafter, make return of their proceedings, together with a copy of said report, to the court, in which appeal the corporation shall be the respondent, and the same proceedings thereupon had as in cases of appeal from judgments of the justices' courts; and the said court shall either affirm, reverse or set aside said report, with costs in favor of the prevailing party; but such report shall not be set aside for any cause except for irregularity or non-compliance with the provisions of this act. In case said report be set aside, the matter shall be referred to new commissioners, to be appointed by said court, who shall proceed in all respects as in the first appeal, with the like effect. If no appeal shall be taken from said report be affirmed, or said appeal dismissed, the said court, such decision, and the decision, and report of said commissioners, shall be final, and the amount so assessed upon the lands or lots of land shall be a lien and charge upon the same, to be collected of the owners thereof by process of law, as taxes and assessments of said village are now or to be collected, with interest, costs and

Appeal
from deci-
sion of com-
missioners.

payment of the damages, when ascertained as by the report of said commissioners, or as shown by the report of said commissioners, or by the amount thereof in the "Waverly" of their absence from the village, inability to receive the same; and thereupon the trustees shall take possession of, and use such lands for the purposes aforesaid. The damages and expenses of such improvements shall be paid by the corporation, but the board of trustees may cause the

Payment of
damages.

same or any part thereof, for the time being, to be paid out of any unappropriated moneys in the hands of the treasurer, to be refunded by the collections authorized aforesaid.

Water to be supplied.

§ 43. The trustees shall have power to establish, make, regulate, repair, guard and protect public aqueducts, reservoirs, pumps and wells, and to take and hold the necessary lands and water therefor, and to supply and provide for supplying the village with water to extinguish fires, by means of pipes and hydrants, or otherwise, and to make regulations in regard to the use of the same.

Firemen.

§ 44. The present firemen of the village of Wave shall continue such firemen, subject to removal by the trustees, in like manner as other firemen. Any officer or member of the fire department may be removed by the board of trustees for incapacity, neglect of duty, misconduct or intemperance, or for any other cause.

Hook, ladder and hose companies.

§ 45. The trustees shall have power, in their discretion, to organize new fire, hook and ladder or hose companies, as often as they may judge the interests of the village to require, and to disband such as they may deem unnecessary, or such as may prove refractory and unwilling to obey the lawful orders of the board of trustees.

Duties of Firemen.

§ 46. It shall be the duty of the members of the fire department promptly to turn out upon every alarm of fire, and aid in the extinguishment thereof, and, whenever called upon by the president or trustees, to aid in the suppression of all riots and riotous assemblages in said village; and they are hereby declared to be exempt from prosecution or indictment for any act done in the reasonable and proper discharge of their duty at such fires, riots or riotous assemblages.

Chief engineer and his duties.

§ 47. The chief engineer of the fire department shall be under the direction of the president and trustees, having the general superintendence and custody of fire engine houses, hooks and ladders, hose, public cisterns and other conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make detailed reports to the president of the village of that department one week before each annual meeting, and to make like reports to the trustees as often as they may require.

his duty to be present at fires of buildings
 village, and take the command of the fire
 companies, and hook and ladder com-
 meral control of the apparatus for extin-
 fires; he shall also have such other powers
 ch other duties as the board of trustees, in
 or ordinances, may require. In case of his
 powers and duties of his office shall devolve
 discharged by the president.

trustee, engineer or fire warden may keep
 vicious persons away from the vicinity of
 village, and may require the inhabitants
 or any bystanders, to form ranks or lines
 for the extinguishment of any fire in said
 said the firemen in working their engines,
 and hose, and to aid in removing and pro-
 py thereat.

member of the fire department or any other
 ill, during the time of any fire in said vil-
 or refuse to obey the orders of such engi-
 nhabitant or bystander who shall refuse or
 y the orders of any trustee or fire warden,
 e authority of the last preceding section,
 to a fine of five dollars, to be sued for
 in the name of the corporation, and paid
 ry of the fire department of said village.

fireman shall, for the time being, be ex-
 y and militia service, and having served as
 for five years, shall, during such service,
 n service in the militia except in cases of
 riot or insurrection. The evidence to en-
 to the exemptions provided in this section,
 ificate under the corporate seal signed by
 of said village.

justices of the peace and constables of the
 n, now or hereafter to be elected, residing
 shall be police justices and constables of
 any such constable shall have power with-
 arrest and bring before any such justice
 in their presence of violating the public
 rule, regulation or ordinance of said village,
 ion of this act; any person so brought
 h justice, may be proceeded against and

Authority
 of trustee,
 engineer or
 fire warden.

Penalty on
 persons dis-
 obeying
 orders, du-
 ring a fire.

Exemption
 of firemen
 from jury
 and militia
 service.

Police jus-
 tices and
 constables.

dealt with as upon complaint and process previously made and issued. The trustees, in the absence of such constables, shall be, ex officio, police constables, and shall have and may exercise the same powers as such constables.

Trustees
may remit
fines.

§ 52. The board of trustees of said village shall have the power to remit the whole or any part of any fine or penalty for the violation of the by-laws, rules and ordinances of said village, before or after judgment recovered for the same, for such cause to be shown upon affidavit as they shall deem satisfactory.

Actions
prosecuted
in corporate
name.

§ 53. All actions or proceedings by or against the village, shall be brought and prosecuted in the corporate name of said village, and no person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said village, or liable to taxation therein, nor shall any trustee or other officer of said village be an incompetent witness in any such action or proceeding by reason of his being an officer.

Pleadings
and evi-
dence.

§ 54. In any action brought to recover a penalty imposed for the violation of any of the laws or ordinances of said village, or the provisions of this act, it shall only be necessary to state in the complaint the title and section or sections of the ordinance or by-laws, or the section of this act alleged to be violated, the time of its passage, and the amount of the penalty claimed; and no other fact may be given in evidence without being stated in the complaint.

By-laws
may be read
in evidence

§ 55. Every by-law, ordinance, resolution or proceeding of the board of trustees of said village, may be read in evidence in all courts of justice of this State, either first from a copy of such by-law, ordinance, resolution or proceeding, certified under the corporate seal by the president or clerk of said village, or from any printed volume containing such by-law, ordinance, resolution or proceeding, and accompanied by a certificate, signed by the clerk of said village, that such volume contains a correct transcript of such by-laws, ordinances, or resolutions, and that the same was printed by authority of said board of trustees.

Compensa-
tion to
officers.

§ 56. The trustees shall not receive any compensation for their services; the president may, however, receive such compensation as shall be voted him at an annual

lot or otherwise, as the board of trustees, the assessor and commissioners to ascertain damages, shall be entitled to the same commissioners of towns.

member of the board of trustees shall be any contract to which the village shall be a

Trustees
not to be
interested
in contract.

person entitled to vote at any election, held shall be arrested on civil process within the day on the day in which such election is

Voters ex-
empt from
arrest.

acting president of the village shall have administer any oath authorized or required to his act.

President
may admin-
ister oath.

justice of the peace residing in said village power to order vagrants and disorderly persons or offenses committed within said village, found drunk or fighting in the streets or of, or in any manner disturbing the peace, to be confined in the watch-house or fine not exceeding forty-eight hours. Such confinement shall not be received as an excuse in any action or proceeding for a penalty to keep the peace, indictment or other authorized by law.

Vagrants
may be
committed.

licenses, drafts, instruments or papers to be the act of the village, or in the transaction of affairs, except as otherwise provided in be executed by the president of said or without the corporate seal.

Licenses,
&c., exe-
cuted by
president.

existing ordinances, by-laws, resolutions and of the board of trustees of said village, as have been passed, shall be and continue in effect, together with such others as may from be passed, until the same shall be repealed of trustees.

Present by-
laws, &c.

former acts relating to the village of Waverly repealed, but such repeal shall not affect any right secured or established, or any suit, prosecution had or commenced previous to such repeal shall take effect, but every or proceeding, shall remain as valid and said acts had remained in force.

Repeal.

act shall take effect immediately.

Chap. 165.

AN ACT to authorize the improvement of the Chemung Canal Feeder at the village of Cornin.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented Senate and Assembly, do enact as follows:

SECTION 1. The Canal Commissioners are hereby authorized and required to make and construct a channel or slip and basin, connecting with said feeder, on the south side of the Chemung river, in the village of Cornin, of sufficient capacity for navigation, together with such docking, excavation and improvement as such commissioners may deem proper for the interests of the State, in accordance with the plans proposed in the reports of said commissioners in the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, and the report of the canal board transmitted to the Senate on the fifth day of March, eighteen hundred and sixty-three, or upon such other plan as said commissioners may adopt.

§ 2. The Treasurer shall pay, on the warrant of the auditor of the canal department, the expense of the construction and improvement authorized by this act out of any moneys appropriated for extraordinary repairs and improvements upon the middle division of the canals, not exceeding the sum of twenty thousand dollars.

§ 3. The improvements referred to in this act shall not be made unless the lands and real property necessary to the making of such improvements be ceded to the State without expense.

Chap. 166.

to authorize the town of Dunkirk to
 ct a gravel, stone or macadamized road
 Lake Erie, in the village of Dunkirk, to
 n line of the town of Dunkirk.

April 17, 1863; three-fifths being present.

*People of the State of New York, represented in
 Assembly, do enact as follows :*

1. The town of Dunkirk is hereby authorized
 t a free road from Lake Erie, in the village of
 n the county of Chautauqua, along the present
 road called Center street to the town line of
 wn of Dunkirk, between the towns of Dunkirk
 et. Such road shall be bedded with stone,
 other hard substance, well compacted, and of
 epth to secure a good and solid foundation,
 e faced with gravel or broken stone or other
 nce in such a manner as to secure a firm and
 e, and to be of such width as may be practi-
 proper and suitable ditches at the sides thereof.
 n W. Clark, Hiram J. Miner and Lee L.
 hereby appointed commissioners under this act,
 n as "Commissioners of Center street road,

Road may
 be built.

Commis-
 sioners.

Each of said commissioners are hereby re-
 thin ten days after personal notice by the
 of said town of Dunkirk, or one of the justices
 ce thereof, of the passage of this act, to make
 ith the town clerk of said town, severally, a
 ceptance of said office of commissioner, and,
 same time and before entering upon the duties
 ce, each of such commissioners, with one or
 ent surety, shall severally execute to the said
 unkirk a bond in the penalty of ten thousand
 nditioned that he will faithfully appropriate
 t for all the bonds, money and property that
 into his hands as such commissioner, that he
 y respect in good faith perform the duties of
 ce, and that at the close of his term of office
 over to the supervisor of said town any money
 remain in his hands belonging to the fund of

Bond to be
 executed.

said road, and shall deliver such bond, so executed, to the said supervisor for the benefit of said town.

Powers of
commissioners.

§ 3. Upon complying with the provisions of the last preceding section, each of said commissioners shall severally be vested with the powers of a commissioner under this act. If said commissioners, or either of them, fail to comply with the said provisions within the time aforesaid, the office of the commissioner or commissioners so failing shall thereby become vacant, which vacancy shall be filled as hereinafter provided.

Vacancies.

Duties of
commissioners.

§ 4. The said commissioners, after qualifying as aforesaid, shall immediately proceed to make the necessary surveys, and ascertain, as near as may be, the cost and expense of the construction of the said road, and shall immediately thereupon make their certificate in writing under their hands showing their estimate of the probable amount of money required for the construction of such road, which estimate shall in no event exceed the sum of five thousand dollars to each mile of the road to be constructed, and shall deliver such certificate to the supervisor of the said town of Dunkirk.

Supervisor
may issue
bonds.

§ 5. The supervisor of said town of Dunkirk shall have power, and is hereby authorized and required, immediately upon such certificate being delivered to him, to issue bonds in the name of said town of Dunkirk, in sums not less than one hundred dollars each, to the full amount of the sum certified as aforesaid, by the said commissioners. Said bonds shall be signed by the supervisor of the town of Dunkirk and countersigned by the town clerk thereof, and shall be made payable in manner following: One-fifth thereof in one year from the first day of May, eighteen hundred and sixty-three, one-fifth thereof in two years from the first day of May, eighteen hundred and sixty-three, one-fifth thereof in three years from the first day of May, eighteen hundred and sixty-three, one-fifth thereof in four years from the first day of May, eighteen hundred and sixty-three, and one-fifth thereof in five years from the first day of May, eighteen hundred and sixty-three; such bonds to be on interest from said first day of May, eighteen hundred and sixty-three, at the rate of seven per cent per annum, payable annually on the first day of May of each year. And the said supervisor shall,

immediately upon issuing such bonds as aforesaid, deliver the same to the said commissioners.

§ 6. The said commissioners, immediately upon the receipt of the said bonds, are hereby authorized and required to appropriate the same to raise a fund for the construction of said road. They shall have the entire control and negotiation of such bonds, and shall make sale thereof at a rate not less than par, and shall apply the proceeds of such sale to the construction of said road. The said commissioners are further required, upon the receipt of a sufficient fund from the sales of the said bonds, immediately to receive proposals for the construction of the whole or any part of said road, and to award the work or the furnishing of materials, or both, or any part thereof, to any person or persons, without favor or partiality, according to their best judgment and understanding.

Commissioners may negotiate bonds.

§ 7. The said commissioners shall keep a suitable book, in which shall be entered the bonds received, the bonds sold, and the amount received on such sale, the cost and expense incurred in the construction of said road, the amount of money paid out, the persons to whom paid, the amount paid to each person, and for what paid, which book shall be at all times open to the inspection of the said supervisor and of the justices of the peace of said town. The said commissioners are further required to make a regular monthly report, in writing, of all their official proceedings, and deliver the same to the said supervisor.

Books to be kept.

Report to be made.

§ 8. The said commissioners shall be personally liable and responsible to the said town for all moneys and bonds coming into their hands, and for the faithful discharge of their duties under this act, and they shall be liable to be removed by the supervisor and justices of the peace of said town for misconduct or for a violation of any of the provisions of this act.

Liability of commissioners.

§ 9. The said commissioners shall have exclusive control and jurisdiction over the construction of said road until the same shall be fully completed, and when completed the said office of said commissioners shall cease, and the said road shall thereafter be and remain under the control of the street commissioner of the town of Dunkirk, as now provided by law, and the said commis-

Jurisdiction of commissioners.

When street commissioner

to have control.
Commissioners to account to supervisor.

Vacancies filled by supervisor and justices

Tax to be levied to pay interest on bonds.

Persons liable to be assessed for highway labor.

Property of town pledged to pay bonds.

sioners, upon the termination of their office as aforesaid, shall render to the said supervisor a true and faithful account of all their receipts and disbursements under and by virtue of their said office, and shall pay over to the said supervisor for the use of the said town all moneys in their hands belonging to the said road fund which have not been used in the construction of said road.

§ 10. In case the office of said commissioners, or either of them, shall become vacant, by failure to qualify as aforesaid, or otherwise, the supervisor of said town, together with the justices of the peace thereof, shall immediately appoint some suitable person or persons to fill the office so made vacant, and the person or persons so appointed shall give notice of acceptance and qualification as provided in the second section of this act, and thereupon the person or persons so appointed shall have all the powers of commissioners under this act, and shall be subject to all the provisions of this act relating to their duties, obligations and liabilities.

§ 11. The supervisor of the said town of Dunkirk is hereby authorized and required, in addition to the amount of money now authorized to be levied, assessed and collected in said town for town purposes, to cause to be assessed, levied and collected in said town a sum of money sufficient to pay the interest on said bonds from time to time as the same shall become due, and to secure the principal sum secured by said bonds from time to time as such bonds shall become due and payable.

§ 12. All persons living or owning property on the line of said road, and liable to be assessed for highway labor, shall be assessed by the street commissioner of said town for such highway labor, and the amount of such assessment shall be applied on said road in constructing and in keeping the same in repair, the same as though this act had not been passed.

§ 13. The faith, property and effects of said town are hereby pledged for the faithful payment of the principal and interest on said bonds as the same shall become due.

§ 14. This act shall take effect immediately.

Chap. 167.

relation to certain bridges over the canal, in the village of Elmira.

April 17, 1863; three-fifths being present.

of the State of New York, represented in assembly, do enact as follows:

The canal commissioners are hereby authorized to cause the bridge over the Chemung street, in the village of Elmira, to be Washington avenue in said village, in place of the decayed bridge on said avenue, and to be erected, a new swing bridge over Church street aforesaid, the expense of and of such new bridge not to exceed two thousand dollars, and to be paid out of any appropriation for ordinary repairs and improvements on the canals.

This act shall take effect immediately.

Chap. 168.

to provide protection to the public park in the village of Speedsville, in Tompkins county.

April 17, 1863; three-fifths being present.

of the State of New York, represented in assembly, do enact as follows:

Isaac L. Bush, of the village of Speedsville, county of Tompkins, is hereby constituted a commissioner of the public park in said village, and said commissioner may receive donations for the fencing and adorning of said park, and superintend the same for the objects for which the act is passed, inclusive of all proper expenses incurred, and exclusive of any charge for the services of said commissioner. The said commissioner shall have power to exclude all animals from said park, and any animals found in said park shall be subject to the same regulations that they would be subject to if found

running at large in the public highway, and shall be proceeded against in like manner.

§ 2. The said commissioner shall hold his appointment until the first Wednesday in January, eighteen hundred and sixty-four, or until his successor shall be appointed, as hereinafter provided.

§ 3. The electors of the school district in which the village of Speedsville is situated shall meet at the school house in said district, or at such other proper place in said village as the trustees of said district shall designate, by notice posted in three public places in said village, one week prior to said meeting, on the first Wednesday of January in each year, and proceed to elect, by ballot, a park commissioner, for the ensuing year, who shall perform the duties and be subject to all the restrictions named in the first section of this act. The said election shall be conducted as school elections are now conducted by law.

§ 4. This act shall take effect immediately.

Chap. 169.

AN ACT to create a new ward in the city of Rochester.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the present sixth ward of the city of Rochester, lying northerly of a line commencing at a point in the centre of North street, running thence westerly along the centre of the New York Central railroad to a point in line with the centre of Nassau street, thence westerly along the centre of Nassau street and in a direct line to the centre of Clinton street, is hereby erected into a new ward to be known as the thirteenth ward of the city of Rochester, and the remaining portion shall be and constitute the sixth ward of the city of Rochester. Each of said wards to have and enjoy all the rights, powers, privileges and immunities of the several wards of the city of Rochester.

§ 2. The ward officers of the present sixth ward shall

be and continue the same officers in the new wards hereby created, in which they shall respectively reside at the passage of this act, to and until the end of the term of office to which they were elected or appointed. The common council of the said city shall, within fifteen days after the passage of this act, order and appoint a special election to be held in and for each of said wards, according to the provisions of section twenty-three of the charter, to fill each and every elective office in said ward, not otherwise filled by the provisions herein; and the common council shall also, at its first special or regular meeting after the said election, appoint such officers for said wards as are by law appointed, if any such office be vacant by reason of this act.

§ 3. This act shall take effect immediately.

Chap. 170.

AN ACT to authorize the town of Batavia, in the county of Genesee, to raise money for the payment of bounties to volunteers from said town, in the service of the United States

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor and town clerk of the town of Batavia, in the county of Genesee, are hereby authorized and empowered to make and execute for and in behalf of said town the bonds of said town, one hundred and twenty-six in number, respectively, which shall be signed by them respectively in their official capacity, and conditioned for the payment of the sum of fifty dollars and interest thereon at a rate not exceeding seven per centum per annum from the date thereof, at the office of the treasurer of said county of Genesee, the said interest to be paid on the first day of February in each and every year, until the principal shall be fully paid, said principal to be payable at such time not exceeding three years from the date of such bonds as may be agreed upon by the board of town auditors of said town and inserted in said bonds prior to the issuing of the same.

Supervisor
and town
clerk may
execute
bonds.

Supervisor
may nego-
tiate bonds.

Provision.

Prohibition
as to bonds.

Registry.

Supervisor
to report.

Amount to
be raised by
tax.

§ 2. The said supervisor is hereby authorized to negotiate said bonds, any or either of them, for cash at not less than the par value thereof, and out of the moneys which he may realize therefrom, to pay to each volunteer who has heretofore enlisted from said town and entered the service of the United States, and who has received or who is entitled to receive the bounty provided and authorized by the resolutions of the board of supervisors of said county of Genesee, passed August eighteen, eighteen hundred and sixty-two, or to his authorized agent, and in case of his decease, to his personal representatives, the sum of fifty dollars, provided, however, that no money shall be raised for or paid to any person who has enlisted from said town into the one hundred and twenty-ninth regiment New York State volunteers, and provided further, that no bounty shall be paid to any volunteer who has deserted or who has been, or shall be, dishonorably discharged.

§ 3. No greater number of bonds shall be executed or issued by said supervisor than shall be actually necessary to be executed or issued for the purpose aforesaid, nor until required for such purpose, nor shall such bonds or the moneys realized therefrom, or any portion thereof, be used or appropriated to any other purpose whatever, and all such bonds shall be registered, and all the proceedings connected with the issue thereof shall be recorded by the said town clerk in the records of said town.

§ 4. At each annual meeting of the board of supervisors of said county of Genesee hereafter, and until said bonds shall be fully paid, the said supervisor of the town of Batavia shall report the amount of interest to become due and payable, on the bonds executed and issued by him for the purpose aforesaid, on the first day of February then next ensuing, and also the amount of principal, if any, to become due and payable on said bonds prior to the time of the then next annual meeting of said board; the said board of supervisors shall thereupon cause the amount of such principal and interest so as aforesaid to become due and payable to be inserted in the list of taxes against said town of Batavia in a separate column made for that purpose, and to order and direct the same to be raised and collected in the same manner as other

taxes of said town shall be levied and collected, and such taxes when collected shall be paid over to the treasurer of said county, who shall receive the same and credit the amount thereof to the said town of Batavia, to be applied to the payment of the bonds of said town and of the interest thereon, and to no other purpose.

§ 5. The said county treasurer shall pay the interest on said bonds from the moneys so to be paid to him as aforesaid for that purpose to the owner or owners thereof on demand, as the same become due and payable, and indorse or cause to be indorsed such payment on said bonds respectively, and shall pay the principal due on said bonds respectively, as it shall become due and payable, from the moneys so to be paid to him as aforesaid for that purpose, and shall cancel said bonds when the same shall have been fully paid as aforesaid, and when canceled shall file and preserve the same in his office.

Treasurer
to pay inter-
est.

§ 6. The several bonds issued in pursuance of this act shall be and remain a valid charge upon the said town of Batavia until the same are fully paid.

Bonds, a
charge on
the town.

§ 7. The said supervisor shall be entitled to receive from said town of Batavia such reasonable compensation for his services, under the provisions of this act, as shall be audited and allowed by the board of town auditors of said town.

Compensa-
tion of su-
pervisor.

§ 8. This act shall take effect immediately.

Chap. 171.

AN ACT to authorize the clerk of the county of Seneca to transcribe certain indices in his office.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The clerk of the county of Seneca is authorized to provide for the use of his office, such book or books as may be fitting and necessary to contain a full and correct copy of the books of indices in that office, marked and known as index to mortgagors and mortgagees number one, and as index to grantors and grantees number one.

§ 2. When said clerk shall have procured such or books, he is authorized to make or cause to be into them respectively, a full and correct copy of the books of indices now in his office, marked and known index to mortgagors and mortgagees number one, a index to grantors and grantees number one; and such copy shall have been completed, he is authorized to use the same in place of the said books of indices in said office.

§ 3. The expense of procuring said book or books of making or causing to be made such copy, shall be a county charge against the county of Seneca, and the board of supervisors of said county shall audit the account thereof, and the amount audited and allowed thereon shall be paid out of the treasury of said county and not out of other charges against the said county.

§ 4. This act shall take effect immediately.

Chap. 172.

AN ACT in relation to the accounts of town officers.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

Duty of
town audi-
tors.

SECTION 1. The town auditors in the several towns of this State, shall examine the accounts of the overseers of the poor and the commissioners of highways of each town, for all moneys received and disbursed by them, and shall meet for the purpose of examining the same annually, in each town of this State, on the Tuesday preceding the annual town meeting to be held in each town.

Certain
officers to
account for
moneys.

§ 2. The commissioners of highways in each town of this State, and all town officers who receive or disburse any moneys belonging to their respective towns shall, on the last Tuesday preceding the annual town meeting in their town, account with the board of town officers of such town for all moneys received and disbursed by them by virtue of their offices.

Auditors to
state ac-
count.

§ 3. The said board of town auditors shall make a statement of such accounts, and append thereto a

igned by a majority of the board, showing
accounts of the said highway commis-
sioners at the date of the certificate;
the certificate shall be filed with the
clerk of the town, and be by him produced at
the next town meeting, and publicly read.
The certificate shall take effect immediately.

Chap. 173.

To divide the eleventh ward and create
a new ward in the city of Brooklyn.

April 17, 1863; three-fifths being present.

*of the State of New York, represented in
the Assembly, do enact as follows:*

The twentieth ward of the city of Brook-
lyn, to-wit: the following district, viz.: Beginning
at the intersection of the centre line
of Broadway with the centre line of Atlantic
avenue, thence westerly along the centre line of
Broadway to the centre line of Portland avenue,
thence along the centre line of Portland avenue
westward across Washington Park to the East
River, thence easterly along the East
River to the centre of Washington
avenue, thence southerly along the centre of Wash-
ington avenue to the centre of Atlantic avenue to the
place of beginning.

Twentieth
ward.

The eleventh ward of the said city of Brooklyn
to-wit: the following district, viz.: Beginning at
the intersection of the centre lines of Fulton avenue and
Broadway, thence running north-
ward to the centre of Bridge street to the centre of
Broadway, thence easterly along the centre of John-
son street to the centre of Navy street, thence northerly
along Navy street to the centre of Nassau
avenue, thence easterly along Nassau street to the south-
west corner of the United States navy yard, thence
easterly along the same to the East river, thence east-
ward along the East river and the Wallabout bay to the
intersection of Portland avenue or a line in continuation

Eleventh
ward.

thereof, thence southerly along the centre of Port avenue in a straight line across Washington Park to centre of Atlantic avenue, thence westerly or northerly along the centre of Atlantic avenue and Atlantic street to a point where the centre lines of Atlantic and Flatbush avenue intersect each other, thence northerly along the centre of Flatbush avenue to the centre of Fulton avenue, and from thence westerly along the centre of Fulton avenue to the point or place of beginning.

Tenure of
certain
officers.

§ 3. All officers now elected or appointed in the eleventh ward of said city of Brooklyn shall continue to hold office during the terms respectively for which they were elected or appointed until the time of the next general election in said city for municipal officers, and it shall be the duty of the common council, immediately on the passage of this act, to divide the said twentieth ward into the said eleventh ward, as hereby constituted, into as many election districts as the said common council shall deem proper, in accordance with the statutes for that purpose, and to appoint places to hold its elections therein and to appoint inspectors of election, to conduct the election as in the next section herein provided to be held.

Places of
elections.

Elections,
and officers.

§ 4. An election shall be held in and for the twentieth ward at the next general election held in said city, at which election there shall be elected for said ward one alderman, who shall hold his office for one year from the first day of January, eighteen hundred and sixty-five, one supervisor, one constable and three inspectors and three canvassers of election for each election district in said ward.

Officers to
hold, until
others are
elected.

§ 5. Until the officers named in the fourth section of this act shall have been elected or appointed in the twentieth ward hereby created, and duly qualified, the officers already elected or appointed for said eleventh ward shall continue to perform the duties of their respective offices, as if its division provided for in this act had not been made.

Certain
laws ap-
plied.

§ 6. All the provisions of law relating to the several wards of the city of Brooklyn shall, so far as may be applicable, apply to the said twentieth ward hereby created, and all laws now in force regulating the election of cl

said city of Brooklyn, and the canvass, return of votes, shall apply to all elections and for the said twentieth ward.

said twentieth ward hereby created shall form a part of the third congressional district and shall continue to form part of the second district of the State, and shall continue to form an assembly district of the county of Kings. It shall take effect immediately.

Twentieth ward, part of congressional district.

Chap. 174.

relation to the detention of prisoners in the county of Kings.

April 17, 1863 ; three-fifths being present.

of the State of New York, represented in assembly, do enact as follows :

Whenever any justice of the peace in the county of Kings, shall notify in writing any police officer of the Metropolitan police or other person in charge of any station house or other public place in said county, to produce before such justice, according to law, any person who is detained therein upon any criminal or other charge, or who is committed upon such charge by any court or judge, or who is not being held by an officer acting in the name and authority of the United States government, if such person is not produced by such police officer or person, without any just cause or excuse, or without any legal authority, or for any other cause to be brought before such justice, or who is detained or imprisoned, and any willful person who so to do is hereby declared a misdemeanor, and any part of the person so failing or refusing, or who is convicted of such offense, the offense shall be punished by a fine of not more than one hundred dollars.

The provisions of this act shall apply as well to the future as to the past, except that no offender shall be punished on that day.

It shall take effect immediately.

Chap. 175.

AN ACT to incorporate the Harlem Savings Bank.

Passed April 17, 1863.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*Names of
corporators.

SECTION 1. Daniel F. Tieman, Jorden L. Mott, Cornelius W. Van Voorhis, Levi Adams, Bartlett Smith, Henry G. Hadden, William Brown, Samuel A. Hills, Louis Brosi, Charles Boice, Thomas B. Tappen, A. P. Wilson, Henry P. McGown, Louis Hart, E. S. Marshall, James M. Long, Andrew Smith, Charles B. Tooker, George Ebert, Edward Jones, Alexander Lytle, J. O. Terrington, William Klinoz, J. W. Gilley, Henry Schubert, Stephen Gregory, Henry Baumen, and J. Rosenbourg; and their successors shall be, and they are hereby constituted a body corporate and politic, by the name of Harlem Savings Bank, and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever, and to be located at Harlem, in the twelfth ward of the city and county of New York.

Real estate.

§ 2. The real estate which it shall be lawful for said corporation to purchase, hold and convey shall

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money loaned; and the said corporation shall not purchase, hold, or convey real estate in any other case, or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section, shall be sold by the said corporation, within five years after the same shall be vested in it, by purchase or otherwise; and the said corporation, shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, or commodities whatever, except in cases where it is authorized so to do by the terms of this act, and

personal property as may be necessary or immediate accommodation for the convention of its business.

Trustees of said corporation shall not, directly or indirectly, receive any payment or emolument for services rendered.

Trustees
not to re-
ceive pay.

The business of said corporation shall be managed by the said board of trustees, who shall elect a president, two vice-presidents, and such other officers as they may see fit; eight of said officers, including the president or one of the vice-presidents, shall form a quorum for the transaction of business; and the affirmative vote of at least five of the board shall be requisite in making any contract, or authorizing any investment of any money, or the sale or transfer of any stock, real estate, or other property belonging to the corporation, or the payment of any officer receiving any salary therefrom. Vacancies among the persons named in the first section of this act among the trustees of the said corporation; and all vacancies caused by death, resignation, or otherwise, in the office of any trustee, shall be filled by the board by ballot, without unnecessary delay, and at least nine votes shall be necessary for the election of any trustee. The said board shall hold a regular meeting at least once in each year to receive the report of their officers as to the state of the affairs of the said corporation, and to transact such other business as may be necessary; and any person who fails to attend the regular meetings of the board for three consecutive months in succession, may thereupon, at the call of the said board, be considered as having vacated his office, and a successor may be elected to fill the same. The court may at any time, for due cause, remove any trustee on proper notice to such trustee, and afford him an opportunity to be heard in his defense. The general business and object of the corporation created by this act shall be to receive on deposit such moneys as may be from time to time offered therefor, by mechanics, tradesmen, clerks, mariners, laborers, minors, and others, and investing the same in the securities of the State of New York, or of the city of New York, or in the stocks or bonds of the city of New York, or in the stocks or bonds of the city of Westchester, authorized to

Powers of
trustees.

Election of
trustees,
and their
meetings.

Vacancies.

Deposits
that may be
received.

Invest-
ments and
loans.

Prohibition

Ib.

Certificates.

Rate of interest.

Loans and security.

be issued by the legislature of this State, or to loan same on the securities of the said stocks or bonds, and also upon bonds secured by mortgage on improved, productive, unincumbered real estate, located within the counties of New York or Westchester, worth at least double the amount to be secured thereby, independent of any buildings or perishable improvements thereon; but no loan upon bond and mortgage of a larger sum than ten thousand dollars shall be made; or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive deposits, from persons of the description above mentioned, all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of two thousand dollars from any one individual, which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositors when required at such times, with such interest, and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be so altered as to affect any deposit previously made.

No president, vice-president, trustee, officer, or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation or its deposits, or in any manner use the same, or any part thereof, except to pay necessary expenses under the direction of the said board of trustees; all certificates or other evidences of deposits made by the proper officers of such corporation, shall be as binding upon the corporation as if they were made under the common seal. It shall be the duty of the trustees of said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of the profits of said corporation, after deducting all necessary expenses. In all cases of loans upon real estate sufficient bond or other satisfactory personal security shall be required of the borrower; and all reasonable expenses of searches, examinations, and certificates of title, and of drawing, perfecting and recording papers shall be paid by such borrower; and it shall be the

tees of said corporation to invest, as soon
n public stocks or public securities, or
ortgages, as provided for in this act, all
y them beyond an available fund of not
thousand dollars, which they may keep
rent payments of said corporation, and
them be kept on deposit, on interest, or
ch available form as the trustees may
d, always, that no sum exceeding twenty-
ollars shall be deposited in any one bank.
rd of trustees of the said corporation shall
om time to time, to make, constitute,
olish such by-laws, rules and regulations,
ge proper, for the election of their officers;
heir respective functions and the mode of
same; for the regulation of the times of
officers and trustees; and generally for
naging and directing the affairs of the
vided such by-laws, rules and regulations
nt to this act, to the constitution or laws
of the United States.

ordinate officers and agents of the said
ll, respectively, give such security for
d good conduct as the board of trustees
to time, require; and said board shall
of such officers and agents.

ks of the said corporation shall, at all
eir hours of business, be open for inspec-
ation to the superintendent of the bank
his State, and such other persons as the
he said superintendent shall designate or
agent for that purpose. Whenever any
ppointed to make any such examination,
for his services by such corporation such
superintendent shall certify to be reason-

ver any deposit shall be made by any
tees of said corporation may, at their dis-
such depositor such sums as may be due
although no guardian shall have been
uch minor, or the guardian of such minor
authorized the drawing of the same; and
ipt, or acquittance of such minor shall be

Invest-
ments.

Proviso.

By-laws.

Officers to
give secu-
rity.

Books open
for exami-
nation.

Deposits by
minors and
females.

as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and when any deposit shall be made by any female, being or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor such sum may be due to such female, and the receipt or acquittance of such female shall be a sufficient discharge of said corporation.

Trustees to
report.

§ 11. The board of trustees shall, on or before the twenty-fifth day of January and twenty-fifth day of July in each year, make such report to the superintendent of the banking department as is required by law, and shall be subject to all the provisions and requirements of the act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty seven. The misnomer of said corporation in any instrument shall vitiate nor impair the same, if it be sufficiently described to ascertain the intention of the parties.

Misnomer.

Supreme
court may
order ex-
amination
of affairs of
corporation.

§ 12. The supreme court may, at any time, on application of any trustee or depositor in said corporation upon reasonable notice to said corporation, or to the person who may be affected thereby, of such intended application, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investment thereof, and its affairs and business generally; the books, papers and business of said corporation shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons, and the said court may confer such further powers on the person or persons so appointed, as they may consider necessary for a more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigation to the said court, who, if satisfied thereby that any officer, trustee, or servant of said corporation has been guilty of any fraud or misconduct, may, upon proper notice to such person, and affording him an opportunity to be heard in his defense, remove such person or persons, and make further order, and take such further measures

lands and property of said corporation as the
see fit.

corporation hereby created shall be subject
s of the eighteenth chapter of the first
ised Statutes, as far as the same are or
le.

t shall take effect immediately.

18th chap,
1st part of
Rev. Stat.

Chap. 176.

incorporate the Ithaca Savings Bank.

Passed April 17, 1863.

*of the State of New York, represented in
bly, do enact as follows:*

Josiah B. Williams, William Andrus,
s, John Stowel, Edward S. Esty, John
uel Harris, George W. Schuyler, Leonard
Esty, Peter Apgar, John L. Whiting and
d their successors shall be, and they are
ed a body corporate and politic, by the
Savings Bank, and by that name shall
succession, and may sue and be sued in
soever, and to be located at Ithaca, in the
kins.

Corpora-
tors.

estate which it shall be lawful for the
to purchase, hold and convey, shall be:
ay be requisite for its immediate accom-
e convenient transaction of its business.
all have been mortgaged to it in good faith
d, in pursuance of the provisions of this

Real estate

shall have been purchased at sales upon
decrees obtained or rendered for money so
said corporation shall not purchase, hold
estate in any other case, or for any other
all such real estate as is described in the
ed subdivisions of this section, shall be
d corporation within five years after the
sted in it, by purchase or otherwise; and
tion shall not, directly or indirectly, deal
ing or selling any goods, wares or com-

modities whatever, except in cases where it is authorized so to do by the terms of this act, and except such personal property as may be necessary or requisite for the immediate accommodation for the convenient transaction of its business.

Trustees
not to re-
ceive pay.

§ 3. The trustees of said corporation shall not, as such, directly or indirectly, receive any payment or emolument for their services.

Powers of
trustees.

§ 4. The business of said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit; eight of said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business; and the affirmative vote of at least seven members of the board shall be requisite in making any contract, or authorizing any investment of any moneys, or the sale or transfer of any stock, real estate, or security belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

Election of
trustees,
and their
meetings.

§ 5. The persons named in the first section of this act shall be the first trustees of the said corporation; and any vacancies by death, resignation or otherwise, in the office of trustees, shall be filled by the board by ballot, without unnecessary delay; and at least nine votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month to receive the report of their officers as to the business and affairs of the said corporation, and to transact such business as may be necessary; and any trustee omitted from the regular meetings of the board for six months in succession, may thereupon, at the election of said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may, at any time, for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

Vacancies.

Deposits
that may be
received.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums as may be from time to time offered therefor, by mechanics, tradesmen, clerks, marines, laborers, minors, savants, and others, and investing the same in the securities or stocks of the State of New York, or of the Un-

Invest-
ments and
loans.

on the same on the securities of the said
s, and also upon bonds secured by mort-
ed, productive, unincumbered real estate,
the county of Tompkins, worth at least
ount to be secured thereby, independently
gs or perishable improvements thereon;
oon bond and mortgage of a larger sum
and dollars shall be made; or in such other
thorized by this act, for the use, interest
of the said depositors and their legal
; and the said corporation shall receive as
persons of the description above mentioned,
ney which may be offered for the purpose
ed as aforesaid, but not to exceed the sum
d dollars from any one individual, which
s practicable, be invested accordingly, and
to such depositors when required, at such
h interest, and under such regulations as
rustees shall from time to time prescribe,
ons shall be put up in some public and
lace in the room where the business of
n shall be transacted, but shall not be so
ffect any deposit previously made. No
-president, trustee, officer or servant of
n shall, directly or indirectly, borrow the
orporation or its deposits, or in any man-
ame, or any part thereof, except to pay
nses under the direction of the said board
certificates or other evidences of deposit,
roper officers of such corporation, shall be
n the corporation as if they were made un-
n seal. It shall be the duty of the trustees
ation to regulate the rate of interest to be
e depositors, so that they shall receive, as
be, a ratable proportion of all the profits
ation, after deducting all necessary ex-
cases of loans upon real estate, a sufficient
r satisfactory personal security shall be
borrower; and all reasonable expenses of
inations, and certificates of title, and of
cting and recording papers, shall be paid
ver; and it shall be the duty of said trus-
poration to invest, as soon as practicable,

Prohibition

1b.

Certificates

Rate of In-
terest.

Loans and
security
therefor.

Invest-
ments.

in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding fifty thousand dollars, which they may keep to meet the current payments of said corporation, and which may be kept on deposit, on interest, or otherwise, in such available form as the trustees may direct.

By-laws.

§ 7. The board of trustees of the said corporation shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper, for the election of their officers; for prescribing their respective functions and the mode of discharging the same; for the regulation of the times of meetings of the officers and trustees; and generally for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this State, or of the United States.

Officers to give security.

§ 8. The subordinate officers and agents of the said corporation shall, respectively, give such security for their fidelity and good conduct as the board of trustees may, from time to time, require; and said board shall fix the salaries of such officers and agents.

Report to be made.

§ 9. The said corporation shall, in the months of January and July, in each and every year hereafter, make report to the Superintendent of the Banking Department, as required by law.

Books open for examination.

§ 10. The books of the said corporation shall at all times during their hours of business, be open for inspection and examination to the Superintendent of the Banking Department of this State, and such other persons as the legislature or the said superintendent shall designate or appoint as their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the said superintendent shall certify to be reasonable and just.

Deposits by minors and females.

§ 11. Whenever any deposit shall be made by any minor the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same, and the check

Supreme court may order examination of affairs of corporation

sons, and make further order, and take such measures for securing the funds and property of corporation as the said court shall see fit.

18th chap.
1st part of
Rev. Stat.
applied.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the part of the Revised Statutes, as far as the same may be applicable.

§ 15. This act shall take effect immediately.

Chap. 177.

AN ACT to authorize the Albany Exchange Bank to reduce its capital stock and to lessen its number of directors.

Passed April 17, 1866

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Albany Exchange Bank is hereby authorized to reduce its capital stock to three hundred thousand dollars, by purchasing and canceling one thousand one hundred dollars in amount of the said stock whenever the directors of the said bank shall deem expedient.

§ 2 The directors of the said bank are hereby authorized, by a vote of the board, to reduce their number from fifteen (the present number) to not less than nine; such reduction to take effect at the next annual election for such directors thereafter to be held.

§ 3. Nothing in this act contained shall in any manner change or lessen the liability of the stockholders of the said bank to the bill holders or creditors thereof, or its indebtedness or engagements now existing against the bank or that may so exist, either absolutely or contingently, at the time when such reduction shall take place.

§ 4. This act shall take effect immediately.

Chap. 178.

amend the act to revise and consolidate in relation to the village of Ithaca, county of Tompkins, passed June fourth, eighteen hundred and fifty-three.

April 17, 1863; three-fifths being present.

of the State of New York, represented in assembly, do enact as follows :

Section eleven of the act to revise and consolidate in relation to the village of Ithaca, fourth, eighteen hundred and fifty-three, is amended so as to read as follows :

Justice shall reside and keep an office in Ithaca, and shall possess the same powers and cases and be subject to the same duties and shall be entitled to the same fees as justice of the peace in the town of Ithaca.

Justices of the peace elected in the town of Ithaca, and keeping their office in the village of Ithaca, shall possess the same powers as are conferred by section fourteen of the act to revise and consolidate in relation to the village of Ithaca, fourth, eighteen hundred and fifty-three.

This act shall take effect immediately.

Chap. 179.

to increase the number of trustees for the Wesleyan Methodist Episcopal Church of Rochester.

Passed April 17, 1863.

of the State of New York, represented in assembly, do enact as follows :

The church known as "The First Wesleyan Methodist Episcopal Church of the village of Rochester," incorporated September twentieth, eighteen hundred and twenty, is hereby authorized and empowered to increase their present number of trustees from twenty to twenty-five. The first election of the additional number

of trustees for said church shall take place at the first annual election of trustees after the passage of this act.

§ 2. This act shall take effect immediately.

Chap. 180.

AN ACT to authorize the commissioner of highways of the town of Corning, to insure and repair a bridge.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioner of highways of the town of Corning, is authorized and required to cause the bridge across the Chemung river, erected pursuant to chapter three hundred and fifteen of the Laws of eighteen hundred and fifty-nine, to be insured and to be kept insured for such sum as he shall deem proper, and to pay the premium thereof, out of any money which may come into his hands for highway purposes.

§ 2. The said commissioner of highways of the town of Corning is also authorized and required to repair the said bridge, by inclosing the same in a suitable weather boarding, and to make such other repairs of such bridge as may at any time be required, and to present the vouchers for the expenses of such repairs to the board of town auditors, which expenses shall be allowed and collected in the same manner as other town expenses, and when collected paid over to said commissioner.

§ 3. This act shall take effect immediately.

Chap. 181.

AN ACT to authorize the Union Bank of Rochester to reduce its capital stock, and reduce the number of directors.

Passed April 17, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Union Bank of Rochester is hereby authorized to reduce its capital stock to an amount not less than four hundred thousand dollars, and the number of its directors to not less than nine.

§ 2. Nothing in this act contained shall in any way change or lessen the liability of the stockholders of the said bank to the bill holders, or other creditors thereof, or any indebtedness or engagement now existing against said bank, or that may so exist, either absolutely or contingently, at the time when such reduction shall take place.

§ 3. This act shall take effect immediately.

Chap. 182.

AN ACT to make separate road districts of parts of the towns of Castleton, Middletown and Southfield, in the county of Richmond, and to provide for the drainage of the same.

Passed April 18, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that portion of the town of Castleton bounded as follows: Commencing at the bay of New York, where Arrietta street intersects said bay, and running thence along said Arrietta street westerly to the Richmond turnpike; thence still westerly along the said Richmond turnpike to the Clove road; thence westerly along the northwesterly side of Clove road to a point where Bard avenue, if prolonged, would strike said Clove road; thence northerly to the westerly side of Bard ave-

Boundaries
of road dis-
tricts.

nue, and thence along the westerly side of Bard avenue to the kills; thence along the kills, easterly and southerly to the place of beginning.

And all that portion of the town of Middletown said county, beginning at the bay of New York, where the Arrietta street, in the village of Tompkinsville, in the town of Middletown, strikes the said bay of New York, and running thence along the said Arrietta street, crossing Griffin street, to the Richmond turnpike, thence along the said Richmond turnpike to and including the bridge leading over Ocean hill to the Moravian meeting house, thence along said last mentioned road, southeasterly to the Richmond road, where the district school number three is now located; thence along the said Richmond road and Vanderbilt avenue, northerly and northeasterly to the bay of New York, and thence along the bay of New York, northerly, to the place of beginning.

And all that portion of the town of Southfield, in said county, bounded as follows: Commencing at the bay of New York, where the southerly side of Vanderbilt avenue intersects said bay, and running thence westerly and southwesterly along the southerly side of Vanderbilt avenue and the Richmond road to Old Town lane; thence along Old Town lane, as the same is now laid out, to the bay of New York; thence northerly along the shore of the bay to the place of beginning; are hereby constituted separate road districts, and the same shall be exercised from the superintendence and control of the commissioners of highways of said towns.

Three commissioners for road districts appointed.

§ 2. The said road districts shall each, respectively be under the superintendence and control of three commissioners, to be styled commissioners of streets for "Brighton road district," for the district in the town of Castleton, and the commissioners of streets for "Stapleton road district," for the district in the town of Middletown, and commissioners of streets for "Bayview road district," for the district in the town of Southfield. Abraham Seguire, Cornelius Journeay and Edward R. shall constitute the first board of commissioners of streets for New Brighton road district, and William Loveridge, Noah McDowell and Michael Durkan shall constitute the first board of commissioners of streets for Stapleton road district, and Philip Brady, Edward Dunn and Ja-

reby constituted the first board of commis-
sioners for Bayview road district, and shall
hold office from one to three years, respectively,
and one commissioner of each district shall go
out of office each year, at the annual town meeting. The
first board, consisting of John Seguine, William Loveridge and Philip
McDowell, to hold for three years, Cornelius
Dunn, to hold for two years, and Edward Riley, Michael
Keeley, respectively, to hold for one

Term of
office.

at the annual town meeting to be held in each
year, in the year eighteen hundred and sixty-
four, and annually thereafter, there shall be elected in
each district one commissioner of streets for each of said
districts in the same manner as town officers are elected;
each commissioner shall be voted for on a separate bal-
lot, and each ballot shall not contain the name of more
than one person, except when two or more commis-
sioners are to be elected, and shall be deposited in a sepa-
rate box provided by the officers who shall preside at the
annual town meeting, and no person who is not, at the
annual town meeting, an actual resident of the district
in which he offers his vote, shall be eligible for said
commissioners. The ballot provided for this section
shall be indorsed "commissioners of streets," and every
ballot which shall contain the name of more than one
person, shall be void, except as above provided. And
here, at any such town meeting, two or more persons
shall be elected to the office of street commissioner
in either of said districts, it shall be lawful for the
people of said districts to proceed in the same manner
as provided by law for the election of justices of the
peace, and all laws now in force relating to the election
of justices of the peace, as the same are consistent with the
provisions of this act, shall apply to the election and
classification of street commissioners.

Election of
commis-
sioners.

And the people in either of said districts shall neglect
to appear at the annual town meeting, to choose such com-
missioners, either of them, it shall be lawful for any
person of the peace of the said town in which the
district is situated, by warrant, under their hands and
seals, to appoint such commissioners, or either of

When
appointed.

them, and the person or persons so appointed shall be actual residents of said district, and shall hold office until others are chosen or appointed in their places; they shall have the same powers, and be subject to the same duties and penalties as if they had been duly chosen by the electors; the justices making such appointment shall cause such warrant to be forthwith filed in the office of the town clerk of said town, who shall forthwith give notice to the person or persons appointed.

Oath of
office and
bond.

§ 5. The said commissioners, before entering upon the duties of their office, shall take and subscribe an oath of office prescribed by the constitution, and enter into a bond to the supervisor of the town in which such district is situated, in the sum of one thousand dollars, with good and sufficient sureties who shall join in such sum to be approved by the said supervisor, conditioned for the faithful performance of their duties as such commissioners; and if any commissioner shall neglect to take the said oath and file the said bond for ten days after he shall have been elected or appointed to office, he shall be deemed vacant, and shall be filled by the justices of the peace, as herein provided.

Term of
office.

§ 6. The commissioners provided for by this act shall respectively hold their office for the time hereinbefore provided, and until others are chosen or appointed to fill their places, and shall have been qualified and given the bond herein required.

Powers and
duties.

§ 7. The said commissioners of highways shall have the care and superintendence of the highways, streets, alleys, sidewalks and bridges in said respective districts, and it shall be their duty:

1b.

First. To prescribe the manner of repairing the highways, streets, alleys and sidewalks, and of altering and laying out the same, of erecting and repairing bridges, and constructing sidewalks, and laying out and expending the money raised for highway and bridge purposes therein; and shall possess and exercise all the powers, and perform all the duties, of commissioners within the limits of said respective districts, in like manner and with like effect as commissioners of highways in towns, and subject to the same penalties, so far as the same are consistent with the provisions of this act;

keep the said highways, streets, alleys and good and proper repair.

The said commissioners shall have power to and collect by tax upon the taxable property tants in said respective districts such amount ed "highway tax," as they shall deem neces- y one year, for the purposes provided for in this ceeding the sum hereinafter specified; which ax shall be assessed as follows: Each male of twenty-one years and upwards, who is not r real or personal property, shall be assessed and the balance shall be assessed among and persons owning property and estate, real and ncorporated companies, banks and banking s in said district, according to the value of nd personal estate in said district, not exceed- ollar for each two hundred and fifty dollars, ation shall be ascertained and determined by essment roll of said town. And it shall here- e duty of the assessors of the said town to eparate assessment roll for the use of the said ers, and deliver the same to them immedi- its completion. The said roll shall contain of all persons owning property and estate, real al, incorporated companies, banks and banking in said district, together with a brief descrip- valuation of the property owned by them, as hall be assessed by the said town assessors.

Powers and
duties.

The said commissioners shall have power to Ib. superintendent of highways for each of said districts, who shall hold his office during the the commissioners. He shall, within ten days required so to do, deliver to the commission- bscribed by such superintendent, of the names habitants in said district who are liable to ay tax, and to perform such other duties as oined upon him by the commissioners.

The said commissioners shall have power, Ib. ll be their special duty to make, establish, eep in repair and open, and from time to time necessary drains, ditches and sewers within ive districts, so as to completely and effectu- he property in the said district, and defray

the expense thereof out of the highway taxes. shall also have jurisdiction and control over all the ditches and sewers within said districts, whether upon the streets and alleys thereof or elsewhere may, in their discretion, cause the same or any of or any part thereof, to be kept in repair, and from time cleansed, and the expense thereof paid out of highway tax belonging to said district; and they in their discretion, require the owners or occupants of any lands or lot whereon any such drain, ditch or sewer shall be situated, or may be made or established, to keep and cleanse the same upon their respective premises. shall be directed by the commissioners and in the collection thereof, said commissioners may cause it to be done and collect the expense thereof from such owner or occupants, in the same manner as hereinafter provided for the collection of the expense of making and laying sidewalks.

Powers and duties.

Fifth. The said commissioners shall have power to grade and level the highways, streets and alleys of the respective districts, and to establish and alter the grades thereof, and to cause such highways, streets and alleys to be worked in conformity to such grades as the commissioners shall prescribe and establish; but no highway, street or alley, after having been worked according to such level and grade shall be altered and regraded, unless two-thirds of the persons owning property on the highway, street or alley shall consent, in writing, thereto; and the persons so consenting shall pay to the commissioners who shall remonstrate, in writing, to the commissioners against such regrading, the costs and expenses which may be put to by reason of such regrading.

1b.

Sixth. The said commissioners shall have power to level and grade, make and construct sidewalks and crosswalks on any public road in said respective districts, and any part of any such road, and to keep the same in repair. Such sidewalks and crosswalks shall be made with flagging or planks, to the width of not less than four feet; and said commissioners, in their respective districts shall decide in what manner and of what material sidewalks and crosswalks shall be made, and give public notice of such decision, by publication for two weeks successively, in one or more of the newspapers published in said county, and by posting the said notice in ten

in their respective districts; and all the owners of lands on said streets, where such sidewalks are to be made, shall, within one month after notice of such assessment, level, grade, build and erect sidewalks at their own expense upon their respective fronts, under the direction of their respective superintendents; and if any owner or owners shall fail within such time to level, grade, build and erect such sidewalks, then the said commissioners shall cause the same to be graded, built and erected, and collect, as hereinafter provided, the cost and expense thereof from said owner or owners, and when the owner or owners of lands fronting on streets in any district where sidewalks have been directed to be made by the commissioners, as above specified, shall neglect to level, grade, erect and build said sidewalks, then the said commissioners shall have caused the same to be made, and said owner or owners shall refuse to pay the cost and expense thereof, it shall be the duty of the said commissioners, and shall be their duty, within ten days after the completion of said work, to file with the town clerk a statement of the amount due from said owner or owners, for the cost and expense of making and erecting said sidewalk, and proceed to collect the same by an action against the owner or owners of said lot in any justice's court, in the district in which said sidewalk has been made, or in the supreme court. If the action shall be commenced in the supreme court, then said action shall be conducted under the rules and practice as in an action for the foreclosure of a mortgage, and if the plaintiffs recover a judgment, the same shall be and remain a lien upon the lots of land along which said sidewalks may be built, until the same is discharged by payment thereon by the commissioners as above provided.

The assessment rolls of said district shall contain, in the right hand margin, one column, denominated "highway tax," in which shall be set down the amount of said tax. The real estate shall be briefly described; and non-resident lands, if any, shall be assessed in the same manner as the resident lands; the amount of highway tax levied

Assessment
rolls of dis-
trict, what
to contain.

upon each person named in the roll, shall be set in proper column; and in all cases where any highway tax is charged upon any real estate, it shall be set beside the particular real estate upon which it is charged. The assessment rolls, when completed, and the highway taxes are therein entered, shall be filed with the clerks of the towns in which said districts are situated and shall then be denominated the tax rolls of said districts; duplicates thereof shall be made, with the proper warrants, under the hands of the said commissioners annexed thereto, directed to the collectors, and shall give the authority of the collectors to collect said highway taxes.

Tax rolls, when filed, a lien on real estate for highway tax, and duties of collector.

§ 9. The said tax rolls when completed and filed with the town clerks of the said towns, shall be a lien upon the real estate therein described to the amount of the highway tax as aforesaid, and the highway tax levied thereon as aforesaid, shall be collected by collectors to be appointed by the commissioners of the respective districts, by virtue of such warrants as aforesaid, together with their fees, which shall be one per cent., if paid within twenty days after public notice given by the collectors respectively, of the receipt of such rolls, and the times and places where the same may be paid to them, and if not all sums paid or collected after that time, five per cent, and in case any person shall refuse to pay his highway tax and fees aforesaid, the said collector shall levy the same by distress and sale of the goods and chattels of the delinquent, in the manner as collectors of town and county taxes are authorized to do, and every warrant shall command, require and authorize such collection of such taxes and such enforcement thereof. All moneys collected by the collector, shall, after deducting his compensation therefor, be paid to the respective treasurers of said districts.

Collectors to be appointed.

§ 10. The said commissioners, in their respective districts, may appoint a collector, with all the powers and duties of a town collector, for the purpose of collecting the said tax, and all laws now in force, relating to the collection of town and county taxes, shall apply to such collector.

Bond of collector.

§ 11. The said collector in each of said districts shall give bond before he enters upon the duties of his office, and w

the tax roll shall have been filed with the
 ecute to the said commissioners and file
 of the county of Richmond a bond, with
 reties, freeholders of the county of Rich-
 e approved by the commissioners, each of
 sify in double the amount of tax to be
 itioned for the faithful discharge of his
 collector, and for the honest and faithful
 and paying over all moneys which shall
 hands as such collector.

said tax shall be levied and collected be-
 t day of April and the first day of July
 each year.

the first meeting of the commissioners
 and after the organization of said boards
 ers, the said commissioners shall proceed
 their number as a treasurer for each board,
 e his bond to the same extent and in the
 as the collectors herein provided for, and
 s of the collector and treasurers shall be
 county clerk of the county of Richmond.
 urers, whenever so required, shall make a
 ommissioners of the condition of the trea-
 l not pay any money to any person what-
 on the written order of said commissioners
 hereof, and no account of any person shall
 said board of commissioners, unless the
 out in items and verified, in the same man-
 counts are required to be, and the chairman
 id boards of commissioners is for that pur-
 uthorized to administer oaths; and it shall
 f the collector to collect and pay over to
 rers all of the highway tax so collected in
 ets, within the time prescribed by the said

When tax
 to be col-
 lected.

Treasurer,
 and his
 bond.

To make
 report.

ll be the duty of said collectors to collect
 o the treasurers all of the said tax, within
 rcribed by the said commissioners, and in
 , it shall be the duty of the said commis-
 e their warrant to the sheriff of Richmond
 t said collector, in the same manner as by
 ty treasurer is authorized to proceed by
 t the collector of town and county taxes,

Duty of col-
 lector.

and all laws relating thereto shall apply to the collector of the said highway tax.

Surveyor
and counsel
may be em-
ployed.

§ 15. The said commissioners shall, whenever they deem it necessary to enable them to carry out the provisions of this act, have power to employ a surveyor and counsel, and the cost, fees and expenses of the same shall be paid out of the highway tax.

Dead ani-
mals to be
removed.

§ 16. The said commissioners are hereby authorized, and it shall be their duty at all times, under a penalty of ten dollars, to cause all dead animals to be removed from any highway, street or alley within their respective districts, within three hours after having received notice of the same, and the costs and expenses thereof shall be paid out of the highway tax; and for every neglect of duty, as provided by this section, the commissioners or commissioner so notified shall forfeit the sum of ten dollars, to be sued for and recovered before any justice of the peace, in the name of the supervisor of the town, by any tax-payer of the said district, which penalty when collected shall be paid by the justice to the treasurer for the benefit of the highways in said district.

Work on
highways,
when to be
let by con-
tract.

§ 17. Every highway, street and alley in said districts, which the said commissioners thereof shall deem necessary to have leveled, graded or worked when the cost and expense shall exceed twenty-five dollars, shall be let out by contract, and it shall be the duty of the commissioners to prepare or cause to be prepared, a specification of the leveling, grading or working necessary to be done on any highway, street or alley in said district and publish the same, together with the amount of security required, in one or both of the papers printed in said county; also cause printed public notice to be posted in at least ten public places in said district; the said notice shall also specify the time and place where the said commissioners will meet for the purpose of receiving proposals for land leveling, grading or working, and of determining to whom the contract or contracts shall be awarded; but no proposals shall be considered by the commissioners unless the name of the sureties shall be therein mentioned, and said commissioners may, if necessary, adjourn said meeting from time to time.

When
streets to be
macadamized.

§ 18. And the said commissioners in their respective districts shall have power in case application is made to

them, by at least five property owners residing upon any street or part of a street to have the same macadamized, and the said commissioners shall believe the same to be actually necessary and demanded by the public, it shall be their duty to prepare a specification of the work to be done and to ascertain by proper estimates upon five days' public notice to contractors, the actual cost and expense thereof, which estimates shall be accompanied by two sufficient sureties in double the amount of said estimate, for the completion of the work according to the specification upon which the estimate was made; and it shall be the duty of the said commissioners to deliver to the supervisor of the town in which said street is to be macadamized, the said specification and estimate, with names of sureties, and it shall be the duty of the said supervisor to call a special town meeting of his town, of which he shall give ten days' previous notice, in the newspapers published in said county, and also by posting the same in twenty public places in said town, which said notice shall contain the name of the street to be macadamized, the cost thereof, the name and residence of the party making the lowest estimate for the said work, with the name of the sureties offered by him, also the time and place when and where the said town meeting will be held, and all laws now in force relating to annual town meetings, so far as the same are consistent, shall apply to the said town meeting herein provided for. The electors shall vote by ballot, which ballot shall contain the words "for macadamizing," or "against macadamizing," and shall be deposited in a box, which shall be provided by the officers who shall preside at the said town meeting, and no person, who is not a resident, and tax-payer of the said town shall be allowed to vote for or against macadamizing any street therein. And if a majority of the votes cast at such town meeting shall be "for macadamizing," it shall be the duty of the supervisor of the town to issue the bonds of such town to the amount specified in the estimate of the contractor unto whom shall be awarded the contract for building said road and such bonds shall be signed by the supervisor, justices of the peace, and town clerk, and shall bear an interest of seven per cent, payable annually, and the principal shall be payable annually in four equal annual

sed, and
proceedings
therefor
regulated.

installments, the first installment to become due at expiration of one year from the issuing of such bonds. And the said bonds so issued shall be delivered to the treasurer of the board of street commissioners in which district said road is authorized to be built and constructed, who shall before receiving such bond give security double the amount of said bonds in the same manner as the collectors herein provided for, and the said security shall be filed in the office of the clerk of the county of Richmond. And the said treasurer is hereby authorized to convert the said mentioned bonds for macadamizing into money, at not less than their par value, which money shall be appropriated, under the direction of the said board of commissioners of streets for the payment of building said macadamized road.

It shall be the duty of the board of supervisors of the county of Richmond, to assess upon the town in which said macadamized road is to be built, and there shall be annually assessed, levied and collected in said town in the manner in which other town charges are collected, such sum, as shall be required from year to year, to pay the interest and principal of such bonds, and such money so to be raised shall be received and applied by the supervisor of said town, for the payment and redemption of the principal and interest of such bonds, as the same shall from time to time become due.

The said commissioners immediately after the receipt by their treasurer of the said bonds, shall have power to perform the duties herein specified, and make a contract with the person who furnished the estimate by them delivered to the supervisor, and shall take the proper security for the performance thereof, and expend such money for the purposes so raised and no other; they shall supervise the execution of said work, and account to the board of town auditors, in the same manner as is provided in section twenty-one of this act.

But no street or part of a street exceeding two miles in length shall be macadamized in any one year, and no contracts for macadamizing any street or part of a street authorized by this act, shall contain a clause, requiring the entire work to be completed within sixty days from the commencement of the same, and the exact distance of such street or part of a street to be macadamized.

set forth in the specification and estimate and commissioners are required to deliver to the town, before ordering the town work to be done, as herein provided.

The commissioners shall require from the contractor compliance with all the conditions and terms of his contract, and shall in no case make a contract with a contractor who has not fully complied with the terms of his contract; and all contracts made by the commissioners with any person or persons, without the request of any tax-payer, be open for his examination; and for any violation of this section of this act, the commissioners shall be guilty of a misdemeanor.

The said commissioners shall each receive the sum of one dollar and fifty cents per day, for every day necessarily devoted by them to the service of the respective districts, under the provisions of this act, out of the highway tax; and the said superintendant shall be allowed for the services performed under this act, such compensation as the commission may fix, but such compensation shall in no case exceed the sum of one dollar and fifty cents per day, to be paid out of the highway tax.

The said commissioners shall annually, on the day preceding the annual meeting to be held in the town, render account to the board of auditors of town of their respective towns for the amount of tax levied by them respectively, and of the amount which the same has been disbursed, together with the receipts; and the said board shall, for the purpose of examining the same annually, on the day so specified, at ten o'clock in the forenoon, call on the clerk of the town, of their respective towns. The board shall respectively examine and audit the accounts of the said commissioners, and the accounts so rendered shall be delivered, with the certificate of the clerk of the town, to be by him kept on file for the use of any of the inhabitants or tax-payers of the district. The said commissioners shall also present to the said boards of auditors at the said meeting, for the purpose of being examined and audited, their accounts and charges for services rendered said districts as

Restri-
tions as to
paying con-
tractors.

Pay of com-
missioners.

Commis-
sioners to
render ac-
count.

such commissioners, which accounts shall be made and sworn to in the same manner as the accounts of officers are now by law required to be, and it shall be the duty of said auditors to examine the said accounts and charges, and if the same shall be found to be correct, they shall issue an order on the treasurer of the district in favor of the commissioners requiring him to pay the amounts so audited by them to the said commissioners out of the highway tax in his hands, but such account shall be audited or allowed unless made out and sworn to as herein provided.

Books to be
procured.

§ 22. The said commissioners shall, at the expense of the district, procure suitable books, in which they shall enter and record all their proceedings as such commissioners; which together with all maps and papers relating to the highways in said district shall be kept by the commissioners in their office, and shall be open for the inspection of all tax-payers of said district.

Advertising
for presentation
of
claims.

§ 23. The said boards of commissioners shall respectively advertise in their said districts, within twenty days after the passage of this act, notifying all persons having any claim or outstanding voucher against the respective districts, to present the same to said commissioners, within twenty days after the publication of said notice; and said commissioners shall examine and audit the same, and they are hereby authorized to raise by extra tax in their respective districts the amount of money to pay the same, one-half thereof to be assessed and levied and collected in each year for two years after auditing said claims; but no such claim or voucher shall be audited by said commissioners, unless the party claiming the same shall make oath in writing of the amount due upon the same, and in case any such claim or voucher shall be owned or held by any person other than the one to whom it was originally issued, it shall be the duty of said commissioners to examine the same, and the owner or holder, under oath, as to the amount actually paid by him for the same, and award the sum so paid or no more; and in case the said commissioners shall deem it necessary they are hereby authorized and empowered to examine, under oath, the original owner or holder of any such claim or voucher as to the justness of the same and the amount actually received by him therefor,

Vouchers to
be required

award as hereinbefore stated, and for the fully carrying into effect this section, the said board of commissioners is authorized to do so, and if any award shall be made by said board contrary to the provisions of this section, the said board shall be personally liable to their district for the same, to be sued for and recovered by the district of the town, and paid over to the treasurer for the use of the district.

In case any of the said assessments by said warrant shall not be collected remain on the return day of the collector's warrants uncollected, and the said collectors shall make affidavit of their having demanded such assessments of the respective owner or owners of the real estate, on which the said assessments were made, and shall make affidavit that the owner or owners of such parcel of real estate cannot, upon diligent search, be found in said county of Richmond, then it shall be lawful for said commissioners, and they are authorized and empowered, to advertise the said parcels of land, or any of them, for sale in the newspaper or newspapers then printed in said county of Richmond for two months, once in each week; and in each advertisement the owner or owners of such parcels of real estate respectively shall be required to pay the amount of such assessment so remaining due, together with interest thereon at the rate of six per cent per annum, the interest to be from the return day of the collector's warrant to the day of payment, with the charges of such notice and advertisement to the said commissioners. And notice shall be given by such advertisements, that if default shall be made in such payment, such real estate will be sold at public auction, at a day and place in the respective road or roads therein to be specified for the lowest term of years, and any person or persons shall offer to take the same in consideration of advancing the said assessment and interest thereon as aforesaid to the time of sale, and shall pay the charges of the before mentioned notice and advertisement, and the hereinafter mentioned certificate and advertisement, and all other costs and charges incurred thereon. And if, notwithstanding such notice, the owner or owners of any such parcel of real

Liability of
commissioners.

When land
may be sold
for non-pay-
ment of
tax, and
proceedings
thereon reg-
ulated.

estate shall refuse or neglect to pay his or their assessment and said interest and charges, then it shall and be lawful, and said commissioners are hereby authorized and empowered to cause the parcel or parcels of land owned by any such person or persons, to be sold at public auction, for a term of years, for the purpose and in the manner expressed in the said advertisement. Such sales shall be made on the day and at the place and for that purpose mentioned in the said advertisement. The sale shall be continued from day to day, if necessary, until the said real estate shall be sold. And said commissioners shall give to the purchaser or purchasers of any such real estate, a certificate in writing describing the real estate so purchased, the term of years for which the same has been sold, the sum paid therefor, and the time when the purchaser will be entitled to a lease of said real estate. And said commissioners shall, at least three months before the expiration of one year after any such sale, cause an advertisement to be published once a week during said three months in the newspaper or newspapers then printed in said county of Richmond, in such form as they shall deem best calculated to give notice of such sales, and that unless the real estate sold be redeemed by a certain day it would be conveyed to the purchaser. And if the person claiming title to such real estate be some one on his or her behalf, shall not, within one year from the time of such sale, pay to the said commissioners for the use of the purchaser, his executors and administrators, or assigns, the sum mentioned in the said certificate given by said commissioners to said purchaser together with the interest thereof, at the rate of six per cent per annum from the time of such sale, the said commissioners shall, at the expiration of said one year execute to the purchaser, his executors and administrators, or assigns, a lease under their respective hands and seals of the real estate so sold, for such term of years as the same shall have been sold, and such lease shall be conclusive evidence that the sale was regular, according to the provision of this act. And such purchaser or purchasers, his, her or their executors and administrators or assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the said real estate, in the said lot or lots mentioned, for his, her or their own proper use, agree-

the owner or owners thereof, and all claiming under him, her or them, until such purchaser's term therein shall be fully completed and ended.

§ 25. No sale however hereinbefore provided for, shall destroy, or in any manner affect the lien of any mortgage duly recorded or judgment duly docketed, except the purchaser or his or her executors and administrators or assigns, shall, within four months before he receives a lease from said commissioners, give to the mortgagee or judgment creditor a written notice of such sale, and such mortgagee or judgment creditor shall fail within three months after receiving such notice to pay the amount of the purchase money with the interest thereon, at the rate of seven per cent per annum from the date of such lease, to such purchaser his executors and administrators or assigns.

Provision
as to prior
lien of mort-
gages or
judgments.

§ 26. If such payment shall be made by such mortgagee or judgment creditor the sale shall be of no further effect, and the mortgagee or judgment creditor shall have a lien on the premises for the amount paid, with the interest that may accrue thereon, at the rate of seven per cent per annum.

Effect of
sale, when
to cease.

§ 27. Chapters three hundred and thirty-three and three hundred and thirty-four of the Laws of eighteen hundred and fifty-nine, and chapter four hundred and one of the Laws of eighteen hundred and sixty, are hereby repealed.

Repeal.

§ 28. This act shall take effect immediately.

Chap. 183.

AN ACT authorizing the commissioners of highways of the town of Westfield, Richmond county, to lay out and open a road in said town.

Passed April 18, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of highways of the town of Westfield, in the county of Richmond, are hereby empowered and directed forthwith to lay out, construct and open a public road in said town, as follows: Commencing on the southerly side of the Woodrow road and the

easterly side of a private road belonging to Felix or McKeon and Dominick McGuire, and from thence running southerly along the easterly side of said private road to and through the lands of Jane Sprague and Rachael Depew, and also through the land of John Bedell, to the quarantine road, near the willow street bridge; thence running westerly forty-nine and a half feet; thence northerly parallel with the easterly side of the said road as it shall be laid out, and said private road to the said Woodrow road; the said road to be forty and a half feet in width, and the easterly side of said private road to the easterly boundary thereof, so that the same extends.

§ 2. The county court of Richmond county shall appoint three disinterested persons not residents of said town of Westfield, who shall appraise and assess the damages that may be sustained by the occupants of said lands, for the purposes of the opening of said road. The commissioners shall file their report with the town clerk of said town, and the supervisors of said county shall at their next annual meeting after the filing of said report cause to be levied and collected the amount stated in said report, upon the taxable property in said town of Westfield, in the same manner as other town and county taxes, and the county treasurer is directed to pay, on certificate and certified copy of report of said commissioners, the amount or amounts awarded the persons whose lands have been taken.

§ 3. This act shall take effect immediately.

Chap. 184.

AN ACT to promote the re-enlistment of volunteers now in the service of the United States, and the enlistment of persons into regiments and corps now in said service and hereafter to be organized.

Passed April 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be paid to each volunteer in the service of the United States, in any of the

Bounties
for volun-
teers who
re-enlist.

this State, organized under the act of the passed April sixteen, eighteen hundred and titled "An act to authorize the embodying of a volunteer militia, and to provide for defense," who may re-enlist to serve two years in United States service, unless sooner discharged, for continuation of his present service, the sum of one hundred and fifty dollars, and there shall be paid to each who shall so re-enlist to serve for one year in United States service, unless sooner discharged, the sum of one hundred dollars.

There shall be paid to each non-commissioned soldier and private, who shall enlist in any corps of volunteers from this State, now in the service of the United States, and to each non-commissioned officer and private who has enlisted since the first of November, eighteen hundred and sixty-two, in any military organization duly authorized, for the service of the United States, and now preparing for the service of the United States, for the term of three years or the war, the sum of seventy-five dollars, provided, however, that there shall be paid to any person so enlisting or volunteering who has a family or relative dependent on him (under the provisions of this act), unless the enlisting shall have allotted, according to the laws and regulations, at least one-half of his pay, for the benefit of such family or relative. No officer or soldier of any county, city, town or municipal corporation, or recruiting officer of any other person, shall hereafter offer, raise, or expend any money, or use any influence, for the purpose of giving, or paying, or promising, to promote the enlistment of volunteers, or to secure the passage of this act, nor shall this section be so construed as to prevent the payment of any sums to volunteers or substitutes for persons drafted.

All moneys paid under the foregoing sections shall be paid at such time or times, and in such manner as shall be deemed most likely to encourage and secure the services of the volunteers in United States service, and prevent fraud and desertion,

Bounties
for enlist-
ments.

Provided.

Additional
bounties
prohibited.

Payment of
bounties.

and as shall be directed by the governor as commander-in-chief, in general orders.

Appropriation therefor.

§ 5. The sum of three millions of dollars, or so much thereof as may be necessary, is hereby appropriated, out of the moneys in the treasury not otherwise appropriated, to defray the expenditures authorized by this act.

State tax.

§ 6. There shall be imposed for the fiscal year commencing on the first day of October, one thousand eight hundred and sixty-three, a state tax for such sum as the comptroller shall deem necessary to meet the expenses hereby authorized, not to exceed two mills on each dollar of the valuation of real and personal property in this State, to be assessed, raised, levied, collected and paid in the same manner as the other State taxes are levied, assessed, collected and paid into the treasury.

§ 7. This act shall take effect immediately.

Chap. 185.

AN ACT to abolish the office of police justice of the village of Penn Yan, in the county of Yates.

Passed April 18, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title two of an act entitled "An act to amend an act entitled 'An act to incorporate the village of Penn Yan, in the county of Yates,' passed March twenty-third, eighteen hundred and fifty-two," is hereby amended by striking out the words "one police justice."

Repeal.

§ 2. Section thirteen of title two of said act, and sections four and five of title six of said act, and all amendments to said several sections, relating to said police justice or his office, are hereby repealed.

Duty of constable.

§ 3. Section six of title six of said act is hereby amended so as to read as follows: "The police constable shall have power, and it shall be his duty to keep order in all public places in said village, and to arrest all persons who are present participating in, or who are concerned in riotous, disorderly or noisy assemblages, or who break the public peace in his presence, or who are

ank in the street, and convey them before any
the peace residing in said village, or in the
which said village is situate, when such justice
e an office in said village, to be dealt with
to law, and also upon the warrant of the pre-
the village, or any such justice, to arrest
disorderly and suspicious persons and disturbers
ace, and others charged with offenses against
ws, ordinances and regulations of said village,
them before any such justice, to be dealt with
y to law, and to keep and retain such person in
until committed or discharged. The constable
any person after six o'clock in the evening for
derly conduct, or for disturbing the peace of the
or for being drunk in the street, may convey
the county jail of Yates county, there to remain
morning of the next day, when they shall be
up for examination and trial."

ection five of an act entitled "An act to amend
entitled 'An act to amend an act entitled An act
orate the village of Penn Yan, in the county of
assed April tenth, eighteen hundred and fifty-
hereby amended by striking out the words "the
stice," and inserting in place thereof the words
stice of the peace residing in said village," and
striking out the words "sixty days," and insert-
e place thereof the words "three months;" and
dding to said section at the end thereof, the fol-
ords: "And upon the conviction of any such
as aforesaid, the justice shall have power, and,
cretion, may enforce the payment of any such
arrant of commitment, or by execution issued in
manner as is authorized by title nine of chapter
art first of Revised Statutes, for the collection
es, or by both.

e office of police justice of the village of Penn
e county of Yates, is hereby abolished.

Amend-
ments to
former act.

Chap. 186.

AN ACT to establish the jail liberties of the county of Kings.

Passed April 18, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the first day of July next, the jail liberties of the county of Kings shall be the whole of the said county.

Chap. 187.

AN ACT in relation to the Jordan and Skaneateles plank road.

Passed April 18, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Majority
of directors
may impose
tax on stock-
holders.

SECTION 1. A majority of the directors of the Jordan and Skaneateles plank road company, may, at any meeting of said directors called by the president thereof by personal notice to said directors, which said notice shall designate the purpose of said meeting, impose a tax or call upon the stockholders of said road, not exceeding ten per cent, upon the nominal value of each share of the stock of said road, to be used wholly for the purpose of repairing thoroughly said road for use.

Notice of
tax to be
given.

§ 2. If said directors shall, at any meeting called and held for such purpose under the provisions of the first section of this act, order and determine that a tax or call not exceeding the amount, and for the purpose in said first section mentioned, shall be imposed upon the stock in said company, they shall give public notice thereof, and require the same to be paid to the treasurer of said company within ninety days from the date of such notice; said notice shall be published at least once in each week for twelve successive weeks in a newspaper published in each of the villages of Skaneateles and Jordan, and shall also be sent by mail to the post office nearest the

notice of each stockholder, directed to said least thirty days before the time fixed for said tax or call.

Failure to pay such tax or call so made in the provision of this act, on the part of any stockholder, shall be a forfeiture of the stock of said stockholder being in default, and all taxes levied by said call or tax shall be wholly and entirely for the purpose of repairs on said road of said directors of said company.

The president and directors of the Jordan and Skaneateles plank road company, or a majority of them, authorized by and with the consent of the board of highways of the town of Skaneateles and the trustees of the village of Skaneateles, to alter the route of that part of the Jordan and Skaneateles plank road south of Asa R. Reynolds' stone shop, at the present town of Skaneateles, by abandoning the same as now located from said shop to its present termination thereof, and laying out and running the same, of its present width, from a point near the stone shop, in the present route of said road, to the highway in said town of Skaneateles, to the Valley road, past the woolen factory formerly owned by Dorastus Kellogg to the north bounds of the village of Skaneateles, and thence upon and along the highway, in said village, to a point near the stone shop, in said village, lately owned by John Legg. The president and directors shall determine to alter the same, they shall make such alteration by a written survey, containing an accurate survey and map of said new route as so laid out by them, and the same shall be acknowledged in the execution of deeds is required to be acknowledged and they may be recorded, and shall cause such map to be recorded with the aforesaid consent of the commissioners of highways of the town of Skaneateles and of the trustees of the village of Skaneateles, duly subscribed and attested in like manner to be recorded in the records of Onondaga county; and thereupon the route of said plank road, from said Reynolds' said present southern termination, shall be deemed to be discontinued and abandoned by said:

Non-payment of tax, forfeits stock.

Route of road may be altered.

company, and said new route as so laid out shall thenceforth be the route of said plank road, instead of that part of the present route so discontinued; and said company may thereupon enter upon, take possession of, hold, construct and repair said new route in the same manner as the remainder of their said road, and with the same powers and privileges. The said order, or the record thereof, or a certified copy, or transcript of such record shall be evidence in all courts and in all proceedings touching such alteration, and of the discontinuance of such route, and of the location and laying out such new route.

Toll gates
may be
erected.

§ 5. The president and directors of the Jordan and Skaneateles plank road company are hereby authorized from time to time to erect, locate and establish the toll gates upon their road, in such manner and places as they may deem best for the interest of said company, notwithstanding they may be within three miles of each other, but not so as to have any greater number of gates, or to charge or receive any greater amount of toll per mile than they are now authorized to.

§ 6. Section second of chapter three hundred and eighty-two, of the Laws of eighteen hundred and sixty-two, is hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 188.

AN ACT to authorize the New York Warehouse Company to construct and maintain a pier and sea wall or breakwater pier, and to erect warehouses on the land under water in front of the lands in the twelfth ward of the city of Brooklyn.

Passed April 18, 1863; by a two-third vote.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the New York Warehouse Company, owners of real estate fronting on the water in the twelfth ward of the city of Brooklyn, and their successors and assigns, to build and maintain on the land under water in front of their land in the twelfth

ty of Brooklyn, a pier with solid filling two wide, commencing at the bulkhead line as es- the legislature of this State, extending to the l line as also established by said legislature, on the northerly side thereof by the centre line street, extended to said outer sea wall line. e a street of thirty feet in width along both ss the outer end of said pier, and it shall be e said New York warehousing company to uses and other buildings on all such parts of as are not to be used for streets, as herein- ed.

ll be lawful for the said New York Ware- pany to build and maintain on the land in front of their land aforesaid, a sea wall or pier with solid filling fifty feet wide on the thereof, where the same shall adjoin the d in the first section of this act, and one wide at the southerly end thereof, which line one hundred feet northerly from the f Van Brunt street, extended and parallel shall be bounded on the outer or westerly a wall line as established by the legislature, shall be an opening of one hundred feet t vessels into the basin inclosed.

basin, pier, warehouses, sea wall or break- and other structures erected under the pro- act, shall be used for commercial purposes; New York Warehousing Company, their suc- assigns, shall be authorized to charge and dockage, wharfage and storage from all per- e said basin, pier, warehouses, sea wall or pier, or other structures that may be erected his act, as now or may be provided by law. ct shall take effect immediately.

Chap. 189.

AN ACT to amend article second, title ten of chapter eight, part third of Revised Statutes "of summary proceedings to recover the possession of land in other cases."

Passed April 20, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All proceedings had and process issued under the provisions of article second, title ten, chapter eight, part third of the Revised Statutes, in the city of New York, by any justice of the district courts thereof, shall be had and issued and be made returnable before a justice of the district court in the district in which the premises of which the possession is sought to be recovered are situated, and all such process shall be made returnable by the clerk of said district court, at the court thereof, and the affidavit upon which the process is issued shall be sworn or affirmed to before, and filed with, the said clerk or his deputy.

§ 2. This act shall take effect immediately.

Chap. 190.

AN ACT to incorporate the Seminary of Our Lady of Angels.

Passed April 20, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporators

SECTION 1. Stephen V. Ryan, Thomas J. Smith, John Asmuth, James Knowd, Robert E. V. Rice, Patrick M. O. Regen and Francis Burlando and their successors, are hereby constituted a body corporate by the name of "The Seminary of Our Lady of Angels," the object of the said institution being to establish and maintain a seminary of learning in the county of Niagara for the care and education of young men.

§ 2. The persons above named and their successors

are hereby appointed trustees of the said corporation. Vacancies in the said board, by death, resignation, or otherwise, shall be filled by the remainder of the trustees or a majority of them.

Vacancies.

§ 3. The said corporation may grant to its students honorary testimonials, for proficiency in studies or for general merit, of such character as it may deem proper.

Testimonials to students.

§ 4. The said corporation shall possess the general powers and privileges, and be subject to the liabilities, of a corporation, as provided in and by the third title of the eighteenth chapter of the first part of the Revised Statutes.

Powers and liabilities of corporation.

§ 5. The said institution shall be subject to the visitation of the Regents of the University in like manner with other institutions of learning in this State.

Subject to visitation of regents.

§ 6. Whenever in the opinion of the Regents of the University, the state of literature in the said seminary, and the value of its property (according to the regulations of the said regents) shall justify the same, the said regents may, on the petition of the trustees by an instrument under their common seal, erect the said seminary into a college, with such name and such number of trustees, and on such conditions, and with such powers and privileges conformable to law, as the said regents may deem proper.

When it may be erected into a college.

§ 7. This act shall take effect immediately.

Chap. 191.

AN ACT to authorize "The Neptune Insurance Company of the city of New York," to make insurance against loss or damage by fire and the risks of inland navigation and transportation.

Passed April 20, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Neptune Insurance Company of the city of New York, a corporation located and carrying on business in the city of New York, in addition to the powers, privileges and franchises now possessed by them, are hereby authorized to transact the business of insur-

ance as specified and enumerated in the second session of the first section of the act entitled "An act to provide for the incorporation of insurance companies," passed April tenth, eighteen hundred and forty-nine, and the acts amendatory thereof and supplemental thereto, as soon as the cash capital now held by said companies shall be increased to the sum of five hundred thousand dollars in the manner and form and as provided by the nineteenth section of chapter four hundred and sixty-one of the Laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of fire insurance companies," passed June twenty-fifth, eighteen hundred and fifty-three. Said increased capital shall be paid up and invested as provided by said last mentioned act, and the acts amendatory thereof and passed supplemental thereto.

§ 2. This act shall take effect immediately.

Chap. 192.

AN ACT for the protection of the skating rink upon the Byram river.

Passed April 20, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby declared unlawful for any person or persons, at any time hereafter, to cut holes in the ice upon the Byram river, or in any manner to injure or maliciously deface any ice which may be frozen thereon, at any point within the jurisdiction of this State, and between the bridge commonly called Byram bridge and the dam over said river below said bridge.

§ 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof before any justice of the peace in the town of Rye, shall be fined not less than five nor more than ten dollars, and in default of the payment of such fine shall be imprisoned in the county jail of Westchester county for the space of ten days.

§ 3. One-half of the amount of such fine, when collected from any person convicted under the provisions

to be paid by the justice before whom such
 shall be had and who shall collect the same,
 first giving information to such justice of
 which such conviction shall be had, and
 half thereof shall be paid to the supervisor
 of Rye for the use of said town.
 This act shall take effect immediately.

Chap. 193.

To amend an act entitled "An act to in-
 the Kings County Savings Institu-
 ed April tenth, eighteen hundred and

Passed April 21, 1863.

*of the State of New York, represented in
 assembly, do enact as follows :*

It shall be lawful for the trustees of the
 Savings Institution to loan the funds of
 the institution upon unincumbered, productive real
 estate, to the amount to be secured thereby;
 no single loan shall exceed the sum of
 one hundred dollars.

This act shall take effect immediately.

Chap. 194.

To provide for the payment of interest
 on canal drafts, certificates, awards for
 and estimates for work done on the
 canals of this State.

April 21, 1863; three-fifths being present.

*of the State of New York, represented in
 assembly, do enact as follows :*

All canal commissioners' drafts and certifi-
 cates, estimates of engineers, whether final or
 preliminary, given or issued since the first day of
 January, eighteen hundred and sixty, for work done and

materials furnished for the construction of any of the canals of this State, and all awards made by the canal appraisers, the canal board or canal commissioners, for damages, shall be entitled to draw interest at the rate of six per cent per annum after sixty days from the date thereof, for the period during which payment of such drafts, certificates, estimates and awards has been or shall be delayed or postponed by the State, in consequence of the non-appropriation of funds to pay such drafts, certificates, estimates and awards, but such interest shall cease whenever the auditor of the canal department shall give notice in the State paper that funds have been provided to pay the claims mentioned in this act.

§ 2. The interest authorized to be paid by this act shall be payable and be paid out of any moneys appropriated or to be appropriated for the payment of the drafts, certificates, estimates and awards above specified.

§ 3. The provisions of this act shall not be deemed, taken or adjudged to alter, modify, change or repeal the provisions of any law heretofore passed, authorizing the payment of interest by the State, and notwithstanding the provisions of this act, no interest shall be paid upon the drafts, certificates, estimates and awards made, dated, issued and given by any canal commissioner, engineer, the canal appraisers or canal board, since the first day of January, one thousand eight hundred and sixty-three.

Chap. 195.

AN ACT to amend the charter of the Erie County Savings Bank.

Passed April 21, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act entitled "An act to amend an act entitled 'An act to incorporate the Erie County Savings Bank,' passed April tenth, eighteen hundred and fifty-four," passed March thirteenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

§ 1. The act entitled "An act to incorporate the Erie

Bank," passed April tenth, eighteen hundred and forty-four, is hereby amended by adding to the end of said article the following clause: The amount of moneys on deposit in said bank, the sum of five hundred thousand dollars, the fund as provided by this act, may in the hands of the trustees of said bank, be increased to any amount not exceeding twenty-five per cent of the deposits on hand and in addition to the securities heretofore deposited in said corporation may be used to purchase bonds either of the county of Erie or of the city of Buffalo, heretofore issued or hereafter to be issued by said corporation may loan to the Young Men's Association of the city of Buffalo, at any rate of interest not exceeding seven per cent per annum, upon the condition that the loan be secured by mortgage of its real estate, the mortgage not exceeding one-half the cash value of the real estate including the improvements thereon, and that such loan shall not exceed the value of said real estate without the improvements, and that any excess of said loan over one-half the value of said real estate without the improvements shall be further secured by a policy or policies of insurance to said bank upon said improvements. This act shall take effect immediately.

Chap. 196.

Authorizing the common council of the city of Buffalo to make re-assessments to defray the expenses of local improvements on Niagara and said city.

April 21, 1863; three-fifths being present.

The common council of the city of Buffalo, on the second day of March, eighteen hundred and sixty-three, did order and direct an assessment of one thousand one hundred and thirty-five dollars and fifty cents, for the improvement of grading Niagara street, from the northerly line of Niagara street to the northerly line of Auburn street, and constructing all necessary sewers,

Recital.

receivers and crosswalks in said street, between points: And whereas, in pursuance of said order and direction, the city assessors of said city did afterwards make an assessment of said sum upon the real estate in said city, deemed benefited by such improvement, in proportion to the benefits resulting thereto, which assessment was confirmed by said common council on the thirteenth day of May, eighteen hundred and fifty-eight: And whereas, the said common council, on the eighteenth day of May, eighteen hundred and fifty-nine, did order and direct an assessment of thirty-seven thousand seven hundred and twenty-one dollars and fifty-seven cents, for the improvement of grading and paving said Niagara street, from the northerly line of Auburn avenue to the northerly line of Amherst street, and constructing crosswalks, sewer receivers, and platform stones in said Niagara street between said points: And whereas, in pursuance of said order and direction the city assessors of said city did afterwards make an assessment of said last named sum upon the real estate in said city, deemed benefited by said improvement, in proportion to the benefits resulting thereto, which said last named assessment was confirmed by said common council on the thirteenth day of May, eighteen hundred and fifty-nine: And whereas, the above mentioned assessments were made under the provisions of the revised charter of the said city of Buffalo, as the same is contained in an act entitled "An act to revise the charter of the city of Buffalo and to enlarge its boundaries," passed April thirteenth, one thousand eight hundred and fifty-three, and the several acts amending the same: And whereas, a portion of the owners of the real estate upon which said two assessments were made voluntarily paid such portions of said two assessments as were made upon their respective lands, and the remaining portion thereof still remains unpaid: And whereas, said two assessments have been declared null and void for the reason of its not appearing by the certificate of the city assessors, as required by the said revised charter of said city, that the improvements for which said assessments were made were ordered upon the application of a majority of the property holders interested therein, residing in said city and liable to be taxed or assessed to pay for said improvements: And whereas, the said improvements

aid two assessments were made, have been
l, and it is just and equitable that the ex-
should be paid by the owners of real
d thereby, and that the same should not
on all the taxable property of said city,

*of the State of New York, represented in
mbly, do enact as follows :*

The common council of the city of Buf-
urpose of defraying the expenses of said
ed improvements, are hereby authorized
l, and it shall be their duty to cause to be
on the real estate in the eleventh and
of said city, deemed benefited by such
the following sums: For defraying the
d improvement of grading and paving
in said city, from the northerly line of
street to the northerly line of Auburn
onstructing all necessary sewers and
crosswalks in said street, between said
of twenty-six thousand one hundred and
ars and twenty-six cents; and for defray-
es of said improvement of grading and
street, from the northerly line of Auburn
northerly line of Amherst street, and con-
s-walks, sewers, receivers and platform
street, between said points, the sum of
usand two hundred and sixty-six dollars
cents. Such re-assessments shall be made
essors, in the manner provided by the said
of said city for making assessments for
aving streets, and shall be separately
of said improvements; and the said re-
to the manner of dividing and apportion-
ate to be assessed, shall be founded upon
ssessments so as aforesaid made and con-
aid common council. And all such pro-
be had for confirming, correcting or an-
assessments as are now provided by the
arter, in cases of original assessments for
ents; and the said re-assessments, for all
making, confirming, correcting or annul-

Common
council
may cause
certain real
estate to be
re-assessed.

Duty of city
assessors.

ling the same, shall be regarded as original assessments made under and by virtue of the provisions of the revised charter.

Duty of city
comptroller

§ 2. After the confirmation of the re-assessments authorized, or either of them, it shall be ascertained by the comptroller of the said city, upon what portion of the real estate embraced therein the sums assessed by said original assessments shall have been paid whenever it shall be ascertained to the satisfaction of the said comptroller, from the books in the office of the proper city officer, from the sworn statements of persons interested or otherwise, that any sum embraced in said original assessments, or either of them, shall have been paid, the amount of such payment shall be applied to such re-assessment; and the lot or portion of real estate upon which the amount so paid shall have been assessed in such original assessment, shall be forever discharged of and from all lien, charge or incumbrance by virtue of any re-assessment authorized by this act, and shall be in no manner affected thereby. And as to all lots or portions of real estate so discharged, it shall be the duty of the comptroller of said city to cancel and discharge such re-assessments on the records of his office, so that the same shall not appear to be a lien or charge on said lots.

Re-assess-
ments, a
lien upon
lands.

§ 3. The re-assessments authorized by this act shall be a lien and charge on all the lands and real estate embraced therein, except those lots and portions thereof upon which said original assessments shall have been paid, as provided in section two, in the same manner for the same time, and with the like effect in all respects as is provided by the said revised charter of said city in relation to all taxes and assessments made and levied under or by virtue thereof. And in case of non-payment of such re-assessments, or any or either of them, or any part thereof, the same additions shall be made thereto, under said revised charter, as if the re-assessments were original assessments for said improvements; and proceedings for the collection of said assessments and the sale of the lands and real estate embraced therein, for the non-payment thereof, shall be in the same manner and with the like effect as if the re-assessments were original assessments, under

er, for defraying the expenses of said
 t. And all the provisions now contained in
 charter, in relation to the making and levy-
 payment and collection of local assessments,
 and for the non-payment thereof, and re-
 m such sales, the purchase of said lands by
 the borrowing money on its credit for the
 ch purchases, and the issuing and granting
 s and declarations of sale, and the effect of
 tes and declarations, are hereby expressly
 able to the re-assessments authorized by

moneys received or collected on such re-as-
 ll be paid into the treasury of said city, for
 of reimbursing said city for moneys
 defray the expenses of said improvements;
 neys, when paid into said treasury, shall
 und to be expended under the direction of
 council in payment of the bonds heretofore
 id city by virtue of section thirty of title
 revised charter, for the payment of lands
 said city at its tax sales, in the years eigh-
 and sixty and eighteen hundred and sixty-
 no other purpose.
 act shall take effect immediately.

Application
 of moneys.

Chap. 197.

o enlarge the powers of the board of
 rs of Orleans county, under chapter
 the Laws of eighteen hundred and
 ee.

oril 21, 1863; three-fifths being present.

*of the State of New York, represented in Senate
 do enact as follows :*

It shall be lawful for the board of supervi-
 untly of Orleans to apportion and assess the
 owed or raised by tax, to pay bounties to
 the expenses of enlistment, or for the sup-
 families of volunteers, under the resolutions

of said board, passed August twenty-three, eight hundred and sixty-two, in conformity to the provisions of said resolutions, except that the moneys paid for bounties, beyond the sums that would have been chargeable under such resolutions, upon the towns deficient in their respective quotas, if the whole number of voters from said county, subsequent to said twenty-first day of August, eighteen hundred and sixty-two, had exceeded the deficiencies of said several towns, shall be assessed in conformity to the provisions of said chapter fifteen of the Laws of eighteen hundred and sixty-two.

§ 2. This act shall take effect immediately.

Chap. 198.

AN ACT to incorporate the Chenango Valley Railroad Company.

Passed April 22, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators

SECTION 1. Simeon Walker, Peter B. Rathbone, Lewis H. Truesdell, William G. Welch, John C. Green, Simeon Bundy and Sherwood S. Merritt and their associates are hereby constituted a body corporate under the name of "The Chenango Valley Railroad Company," whenever the said corporators shall have incorporated themselves under the provisions of an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof, except as hereinafter provided, which they are hereby empowered to do, they and their successors shall have power to lay, construct and operate a railroad, with single or double track, from the village of Norwich, Chenango county, to the village of Binghamton, Broome county, with privilege to such company to complete and operate such portions of the road as, from time to time, shall be found desirable; and with power to construct said railroad, either in whole or in part, on the bank of the Chenango canal, or upon a public highway running parallel thereto, and in such manner as not unnecessarily impair the usefulness of the said highway.

any shall also have the power to construct the buildings, bridges, sidings, turn-outs, switches, and other things for the proper working or accommodation of the same.

Said company shall be subject to the directions of the canal commissioner in charge, in regard to the construction and repairs of such portion of the berm bank, as may be used, to its injury, by said company, in regard to the location of bridges over said railroad, with right to appeal in all cases to the canal board.

The rails to be used upon said road shall be of the same weight as the board of directors of said company shall determine, not less than thirty-three pounds to the lineal foot. The cars to be used on said road shall be of the standard approved pattern, and be propelled or drawn either by steam power or by some unobjectionable application of electric power, in the form of the most approved engine."

Said company may receive compensation for the transportation of freight and passengers, and may make contracts with other companies or associations for the transfer and receipt of the same. But no greater than five cents per mile shall be charged for the transportation of a passenger.

Said company shall be unable to obtain the title to lands, property and facilities, for the purposes of the act, by gift or purchase. Said company may acquire the same in the manner provided for acquiring title to lands for railroad purposes, in the act entitled "An act to regulate the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof; and, in conformity with the provisions of said law for such purposes, said company shall have the right to take, hold, and use said lands, property and facilities, for the purposes of this act, and in all respects, not inconsistent with the provisions of the corporation hereby created shall be subject to the provisions of "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof, except as to the number of directors, which shall be one and five, which shall consist of seven;

Canal commissioner in charge and canal board.

Rails and cars.

Charges for transportation and travel.

May take lands.

and also, excepting sections twenty-nine, thirty, thirty-two, thirty-eight, forty and forty-four. The people of this State may at any time resume the exclusive control of the berm bank of said canal, and remove the same from the structures of the said company without paying any compensation therefor.

Capital
stock.

§ 6. The capital stock of said company shall in the first instance, be limited to eighty thousand dollars; when at least seven miles of said railroad shall be completed and operated, the capital stock may be increased for each additional mile which shall be put under contract, to any amount not exceeding ten thousand dollars per mile.

§ 7. This act shall take effect immediately.

Chap. 199.

AN ACT in relation to the salary of the board of supervisors of the county of New York.

Passed April 22, 1863; three-fifths being present.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. There shall be paid annually to each member of the board of supervisors of the county of New York, the sum of two thousand dollars by the chairman of the city of New York, in lieu of all fees, salaries, carriage hire, and emoluments whatsoever, to commence on the first day of January, eighteen hundred and sixty-three. Such amount so raised for the payment of the above sum, to be included in the county tax levied.

§ 2. This act shall take effect immediately.

Chap. 200.

in relation to the moneys and securities
custody of the clerk of the Court of
ls.

Passed April 22, 1863.

*People of the State of New York, represented in
Assembly, do enact as follows:*

§ 1. All moneys now in the custody or under
of the clerk of the court of appeals, and all
neys which may hereafter be paid to or received
d clerks, shall be deposited, until invested, as
after provided, in such bank or banks as the
appeals shall direct, and accounts thereof shall
with the said banks, in such manner and form as
court shall also direct.

On the first Tuesday of January and on the first
of July, in each year, the clerk of the court of
shall transmit to the presiding judge of said
statement, verified by him, of all moneys paid to
remaining in court, which shall specify:

1. The title of the action or proceeding in or on
of which such money was paid.
2. The party by whom paid, and generally for what

time of payment and the amount paid.
3. The bank in which the same is deposited.

Each statement shall be accompanied by a certifi-
cate of the cashier of the bank or banks in which such
made, that the total amount stated to be depo-
sited in the bank, placed to the credit of such
clerk of the court of appeals, and not mingled
with other account.

The said court may cause any of the moneys so
deposited in court, to be invested in any stock of this
of the United States, or to be placed at interest,
on any landed security, and from time to time to
be drawn or disposed of, as said court shall think
proper; but no moneys shall be drawn from any bank
on a check signed by the clerk of said court and
sanctioned by some judge thereof, or a justice of the

Money in
custody of
clerk to be
deposited in
bank.

Clerk to re-
port to
court of ap-
peals state-
ment con-
cerning
moneys.

Amount de-
posited to
be certified
by cashier.

Court may
order
money to be
invested.

Restrictions
as to draw-
ing money
from bank.

supreme court, nor shall said clerk invest any of said moneys except under and by direction of said court.

Court may
appoint
person to
examine ac-
counts.

§ 5. The said court may also, from time to time, appoint some suitable and proper person to examine the accounts kept by and the securities in the custody of the clerk of said court, who shall be paid by the comptroller for such service a reasonable sum, to be certified by the presiding judge of said court.

Court may
make rules
concerning
moneys.

§ 6. The said court may also, from time to time, make such rules and regulations concerning the moneys aforesaid, and concerning the making of the deposits and keeping of the accounts and the drawing of the moneys, as it shall deem just and reasonable, but all such rules and regulations shall be entered in the minutes of the court.

§ 7. This act shall take effect immediately.

Chap. 201.

AN ACT to amend the act entitled "An act to provide for the incorporation of villages," passed, December seventh, eighteen hundred and forty-seven, so far as relates to the village of Port Jervis, in the county of Orange.

Passed April 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All proceedings which have been had hitherto by the trustees and other officers of the village of Port Jervis, in the county of Orange, and by the electors and tax-payers in said village, either as to the choice of officers, appropriation of moneys, the making of improvements, or in the exercise of other duties and privileges, specified in the general act for the incorporation of villages, and the several acts amendatory thereof, are hereby confirmed and shall be as effectual, and of the same force and validity as if full record had been made of all the proceedings for the incorporation of said village, as provided in and by the act above mentioned, and all future acts and proceedings of the trustees and other officers, electors and tax payers as aforesaid, of said vil-

lage, shall be as effectual and of the same force and validity as if a full record had been made as aforesaid. And within three months of the passage of this act, the trustees of said village shall cause such a record to be made as is mentioned and required in and by section sixteen of chapter four hundred and twenty-six of the Laws of eighteen hundred and forty-seven.

§ 2. Section twenty-eight of said act is hereby amended by adding thereto as follows:

Seventeenth. For lighting the streets of said village.

§ 3. Section six of chapter one hundred and five of the Laws of eighteen hundred and fifty-eight is hereby amended so as to read as follows:

§ 6. The village of Port Jervis, in the town of Deerpark (with the exception of the bridges therein) is hereby declared to be a separate road district, and exempt from the superintendence, jurisdiction and charge of the commissioners of highways of said town, and the trustees of said village shall be the exclusive commissioners of highways therein, and they alone, or a majority of them, shall possess and exercise all the powers of commissioners of highways of towns, in repairing, altering, widening, discontinuing, describing and laying out streets and highways in said village, and making assessments of money and labor therefor within the limits of said village, and in laying out such money and labor for the purpose raised as aforesaid.

§ 4. This act shall take effect immediately.

Chap. 202.

AN ACT to revive and amend an act entitled "An act to incorporate the Chemung Bridge Company," passed May second, eighteen hundred and thirty-seven, and an act revising and amending the same, passed April twenty-seventh, eighteen hundred and forty-one.

Passed April 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to incorporate the Chemung Bridge Company," passed May second,

eighteen hundred and thirty-seven, and the amendment thereto, passed April twenty-seventh, eighteen hundred and forty-one, is hereby revived, and the same shall continue during the term of thirty years, from and after the passage of this act, and no longer.

§ 2. The first section of the said act, passed May second, eighteen hundred and thirty-seven, and the amendment thereto passed April twenty-seventh, eighteen hundred and forty-one, is hereby amended by inserting the names of George W. Buck, George Bidleman, Henry B. and Mijamin Griswold.

§ 3. The fourteenth section of said act of May second, eighteen hundred and thirty-seven, and amendment thereto, passed April twenty-seventh, eighteen hundred and forty-one, is hereby amended so as to read as follows:

"If the said bridge shall not be constructed by the first day of June, one thousand eight hundred and thirty-five, and if the same shall be carried away or destroyed, and not rebuilt within two years thereafter, the said corporation shall cease, and the said acts, and this act shall become null and void."

§ 4. This act shall take effect immediately.

Chap. 203.

AN ACT to amend an act entitled "An act to provide for the incorporation of villages, passed December seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, passed March twenty-sixth, eighteen hundred and fifty-five, and April sixteenth, eighteen hundred and fifty-seven, so far as relates to the village of Niagara City in the county of Niagara.

Passed April 23, 1863; three-fifths being present.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. The trustees of said village may cause any street or highway therein to be graded, leveled, paved, macadamized or graveled, and sidewalks, sewers,

Improvement of streets.

educts to be constructed, upon application two-thirds of the property owners on said highway residing in said village, and the all improvements made under this section used upon the real estate in said village, the improvements in proportion to the ing thereto. The trustees shall determine to be assessed for any such improvement, include the necessary expenses of printing in and about the same, and shall direct the ors to assess the amount so fixed; but no any such purpose shall be passed, except eeting of said trustees called for that pur- at to a notice specifying particularly the n ordinance, which shall have been posted most public places in said village at least or to the time fixed for such meeting, at l persons interested shall have an opportu- nt their objections, and nothing herein con- ke away the right to levy poll and general r provided for by the acts hereby amended. Trustees may cause all sidewalks in said vil- laid and repaired by the owners of lots on, by giving four weeks' notice, posted in of the most public places in said village, shall particularly specify the width, mate- ner in which the said sidewalks shall be ired, and in case the owner or owners shall lay and repair the same according to the said notice and to the acceptance of the intendent and trustees of said village, for forty days from the time of service of said Trustees may cause the same to be let to the sible bidder by giving notice posted in four public places in said village at least two o letting the same, and all expenses of post- elaying and repairing such sidewalks shall x upon the several lots, and the owners ront of which said sidewalks have been paired, to be assessed and collected as other aid village.

Trustees may cause all crosswalks in said vil- aid and repaired, and the expenses thereof

Repairing
of side-
walks.

Crosswalks.

shall be chargeable and paid out of highway taxes in said village; all amounts for relaying and repaving such crosswalks shall be presented, audited and paid out of other accounts are in said village.

Superintendent to account.

§ 4. The general superintendent of said village shall annually, on the first Tuesday of February in each year, render to the trustees of said village a true account of the work performed under oath, of the number of days' work performed by individuals taxed for highway labor, and on each street or highway the same has been performed; he shall also render an account of the number of days' work performed for highway labor for which commutation money has been paid and the name of the tax-payer paying the same; he shall also render the amount paid by each, also the amount of commutation money paid into the village treasury and by whom paid; he shall also render a full and true account of all moneys and highway labor performed and expended within the year, and the street or highway on which the same was expended.

Duty as to moneys.

§ 5. It shall be the duty of the general superintendent of said village to pay over all moneys collected by him for highway labor to the treasurer of said village; he shall give his receipt therefor, and shall credit the amount so received to the highway fund, and all moneys expended by the general superintendent for highway labor, under the direction of the trustees, shall be drawn from said highway fund upon accounts presented by the general superintendent, on oath, audited by the trustees; all orders drawn on the village treasurer, the same as other accounts are in said village.

Taxes, a lien on real estate.

§ 6. All taxes levied by virtue of this act and under several acts hereby amended, shall be a lien upon the real estate upon which they shall be assessed, and whenever the general superintendent of said village shall issue upon any warrant for the collection of such taxes, and upon oath, that he could not, previous to the return of such warrant, find any property within said village out of which he could collect such tax, and whenever upon any warrant issued to collect the taxes and expenses of making or repairing sidewalks, he shall make a full and true return, the trustees may lease the real estate on which such tax shall have been assessed, or such expenses shall be a lien, or so much thereof as may be necessary

tax or expenses, and the interest thereon, advertising and leasing as aforesaid, which shall not exceed five dollars to the person who will, for such real estate or some part thereof for any period, pay such taxes, interest and costs.

The trustees shall give notice of such leasing by publishing the same once in each week, for six weeks, in a newspaper printed in said village if there be one; if there be none, by publishing the same as often in the newspaper printed nearest to such village in this State at least six weeks before such

Notice of
leasing real
estate.

notice shall specify the time and place of leasing, the number of the lot to be leased, if its location is known, and the street on which the lot is situated, and shall otherwise so describe such lot that its location can easily be ascertained, and it shall be the duty of the person to whom such tax was assessed against whom such expenses shall be a tax, to redeem the lot or part of a lot which shall be so leased within one year from any such leasing. If he fails to do so, he shall therefrom by paying to the lessee the amount of the tax by him on such leasing, with interest at the rate of ten per cent a year from the time of the expiration of the year, or to the treasurer of said village for his

Terms of
notice.

Redemp-
tion of land.

Such lease executed by the trustees shall be presumed to be valid, and the proceedings which terminate such lease, from the valuing or assessing the same and including such leasing, were valid. This act shall take effect immediately.

Effect of
lease.

Chap. 204.

AN ACT to exempt the town of Brookhaven from the operation of the law passed April 7th, 1847, entitled "An act to protect the woodlands of Suffolk county against destruction by fire."

Passed April 23, 1847.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows :

SECTION 1. All that part of the town of Brookhaven in the county of Suffolk, which was burned over and injured by fire in the year eighteen hundred and twenty-two, is hereby declared exempt from the operation of the law passed April seventh, eighteen hundred and forty-nine, entitled "An act to protect the woodlands of Suffolk county against destruction by fire." for the term of three years from the passage of this act.

§ 2. This act shall take effect immediately.

Chap. 205.

AN ACT to incorporate the St. Joseph's German Roman Catholic Orphan Asylum Society of Rochester, Monroe county.

Passed April 23, 1847.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows :

Corporators SECTION 1. Joseph Hoffman, John Groh, John Schmitz, M. Weigel, Bernard Klem, Louis Ernst, R. Schlitzer, Vitus Sænderl, Joseph Schutte, John Sedgwick, Gomeuvinger, E. Weigel, and all other persons who are or may hereafter become members of "The St. Joseph's German Roman Catholic Orphan Asylum Society of Rochester and Monroe County," shall be and are hereby constituted a body corporate, by the name of "The St. Joseph's German Roman Catholic Orphan Asylum Society of Rochester and Monroe County," for the relief and moral and scientific education of orphan and half orphan and destitute children.

§ 2. The said society shall be and become a corporation or body politic in law and in fact, to have perpetual succession by the corporate name aforesaid, and shall have full power and authority to make, have and use one common seal, and by the corporate name aforesaid, shall be capable in law to sue and to be sued, plead and be impleaded, in all courts of record or elsewhere, and shall be able and capable in law to take, receive, hold and enjoy all manner of lands, tenements and hereditaments, goods and chattels, by grant, gift, devise or bequest or otherwise, whether the same be devised, bequeathed or conveyed directly to this corporation, subject to the provisions of existing law, or to its officers, managers or trustees or otherwise, for the use of said corporation; also, the said society may sell, lease and convey, in such legal manner and on such terms as the trustees shall, by resolution, direct, any real or personal estate not required for the actual occupation and use of the said orphan asylum, whether the same be devised, bequeathed or conveyed directly to the corporation, or to its officers or trustees, or otherwise, for the use of the said corporation; provided, however, that the annual income of such real estate, besides its buildings, grounds and property in use, shall not at any time exceed the sum of ten thousand dollars.

Authority.

§ 3. The business and affairs of the said corporation shall be transacted and conducted by a board of trustees, who shall have the entire control and management of the same, and who shall be annually elected, constituted and appointed as follows, to wit: The pastor of any German Roman Catholic congregation in which a branch of this society shall be organized shall be *ex officio*, a member of the board of trustees; each of such pastors shall appoint a member of his congregation, and the members of the society at large shall elect by ballot an equal number with those so constituted and appointed, who shall together constitute the board of trustees.

Trustees.

§ 4. The board of trustees shall annually, at their first meeting after the election, choose by ballot from among themselves a president, a vice-president, a treasurer, and a secretary. Should a member of the said board die, resign or remove during the year, then the remaining

Officers.

members of the board shall elect by ballot another place out of the eligible members of the corporation.

Objects of
corporation

§ 5. The essential objects of the said corporation be the moral and scientific education of orphan, blind and destitute children. Candidates for membership in the society shall be citizens of the United States and shall be admitted to membership in such mode as may be prescribed by the by-laws.

Indigent
children
may be
bound out.

§ 6. When a child shall be surrendered to the custody of the said society by the parent or guardian of such child, the trustees may bind out such child to suitable employment in the same manner as over and above the poor are authorized to bind out poor and indigent children, but provision shall be inserted in the indenture of said child for securing an education suitable for said child. In case of the death of the father of any destitute child, the mother shall be the guardian of said child for the purpose of surrendering the said child to the custody and of the board of trustees of said corporation and in case of the death of both parents, the mayor of the city of Rochester or the superintendent of the poor of Monroe county shall be, *ex officio*, the guardian of said child, for the purpose of enabling said managers to bind out said child. Children entrusted to this corporation by the voluntary act of their parents or guardians shall be deemed to be in the lawful charge and custody of said corporation, and such surrender shall be evidenced by writing, in form substantially as follows:

I, N. N., father (mother or guardian) of B. C., a child of years, born in do hereby surrender and commit to the St. Joseph's G. R. C. Orphan Asylum Society of Rochester and Monroe county, for the period of the entire charge, management and control of the said B. C., and do hereby assign to and invest the said corporation with the same powers and control over the said B. C. as those of which I am possessed.

In presence of

By-laws
may be
made.

§ 7. The said corporation shall have the power to make such by-laws, rules and regulations as may be necessary for the proper government thereof, for the qualification and admission of members, for the organization of branches of the society, for the admission and education of children, and for carrying the expressed objects

all effect, and to alter, amend or repeal the same or make others instead thereof; provided that such rules or regulations are not repugnant to the constitution or to the laws of the State or to this State.
Such act shall take effect immediately.

Chap. 206.

[ACT in relation to evidence.

April 23, 1863; three-fifths being present.

*of the State of New York, represented in
assembly, do enact as follows :*

Whenever in any action in the supreme court of this state, it may be necessary for any of the parties to such action to prove any acts or transactions of any corporation created by the laws of any state or country, the books of such corporation may be produced and read as *prima facie* evidence for or against such corporation, whether the parties thereto, or any of them, are or are not members of such corporation; and copies of the books or any of them of any such corporation, or copies of any entry or entries entered or recorded in said books of such corporation, when the original books are not produced or cannot be verified as hereinafter provided, may be read in evidence on the trial of such action with the same force and effect as the original book or books of such corporation; such copies shall be verified by the production of the same, (who shall be produced and sworn to as witnesses on the trial or hearing,) that such copy is a true and correct copy of the book or books, or entry or entries of such corporation, and who shall be sworn to as witnesses from which he made such copies, and that he was at the time of making such copy or entries acknowledged to such person by some officer of the court to be the book or books of such corporation, and where and in whose custody such book or books were kept at the time such copy or copies were made, and the party intending to use or offer such copy or

copies in evidence, shall give the opposite party ten days' notice of such intention, specifying briefly the nature of the evidence proposed to be given; provided that the provisions of this act, authorizing such copy or copies to be received in evidence, shall not apply when any such foreign corporation is a party and seeks to prove its proceedings in its own behalf.

§ 3. This act shall take effect immediately.

Chap. 207.

AN ACT to amend an act entitled "An act to incorporate the Ulster County Savings Institution," passed April twelfth, eighteen hundred and fifty-one.

Passed April 23, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the sixth section of the act entitled "An act to incorporate the Ulster County Savings Institution," passed April twelfth, eighteen hundred and fifty-one, is hereby amended so as to read as follows :

The general business and object of the corporation hereby created, shall be to receive on deposit such sums as may be, from time to time, offered therefor by tradesmen, clerks, mechanics, laborers, minors, servants and others, and investing the same in the securities or stocks of this State, or of the United States, or in the stock or bonds of any city authorized to be issued by the legislature of this State, or in such other manner as is authorized by this act for the use, interest and advantage of the said depositors and their legal representatives. And the said corporation may, in their discretion, receive as deposits such sums of money which may be offered for the purpose of being invested as aforesaid; but not to exceed the sum of five thousand dollars from any individual, which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositor when required, at such times, and with such interest, and under such regulations as the board of trustees shall from time to time prescribe; which regulations shall be put

up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice-president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same, or any part thereof, except to pay necessary expenses, under the direction of said board of trustees. All certificates or other evidences of deposit made by the proper officer of such corporation, shall be as binding on said corporation as if they were made under their common seal. It shall be the duty of the trustees of said corporation to regulate the rate of interest to be allowed to the depositors, and may allow on sums of five hundred dollars and less, such rate of interest as may seem expedient, and on sums over five hundred dollars, another and different rate of interest, after deducting all necessary expenses. Whenever it shall appear that there is an excess of twenty-five thousand dollars in the possession of said corporation after the payment of the usual interest to the depositors, that sum shall be invested for the security of the depositors in said corporation, and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided in the manner hereinbefore stated amongst the depositors as the board of managers shall direct. No money deposited in the said corporation shall be invested, except in the securities or stocks mentioned in this section, in opposition to the vote of any trustee; but by the consent and approbation of all the trustees present at a regular meeting, amounts not exceeding five thousand dollars to any one individual may be loaned on unincumbered productive real estate worth at least double the amount, exclusive of buildings, to be secured thereby, or on city or village property including buildings valued at double the amount to be loaned thereon, and with policy of insurance assigned satisfactory to the board. In all cases of loans upon real estate a sufficient bond or other satisfactory personal security shall be required of the borrowers, and all the expenses of searches, examinations and certificates of title and of drawing, perfecting and recording papers,

shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest as practicable, in public stocks, or public securities, bonds and mortgages as provided for in this act, all received by them beyond an available fund of not exceeding fifty thousand dollars, or not exceeding one-tenth of the total amount of deposits with said corporation, in the discretion of the said trustees, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest, or otherwise, in such available form as the trustees may direct.

Chap. 208.

AN ACT to amend the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and eighty-seven, so far as relates to the village of Monhagen, in the county of Orange.

Passed April 23, 1863; three-fifths being present.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. The trustees of said village are authorized to submit to the tax-payers thereof, at a meeting convened in the manner provided in said act, to vote upon raising taxes, the question of raising by a general tax, upon the taxable property in said village, to be assessed in said village, a sum not exceeding one hundred dollars, named in the notice convening said meeting, for the purpose of constructing a permanent sewer in lieu of the ditch now running across John, Main, and other streets southwardly through said village to Monhagen. And any tax that shall be voted for such purpose shall be assessed, collected and applied by the trustees, in the manner provided in said act for assessing, collecting and disbursing other taxes voted for said village.

§ 2. If a tax be voted for the purpose mentioned in the foregoing section, the meeting shall determine by resolution, immediately thereafter, whether the same shall all be collected in one year, or by installments.

years. And provided the latter method be
trustees may borrow so much of the money
is not to be collected the first year, upon
bond, signed by their president and the
village, and having their corporate seal
repaid with interest when collected; and
interest shall be added to the sum voted
tax shall be levied.

on fifty-eight of said act is hereby amended
hereto the following:

pel persons to keep clear of grass and weeds
posite to and on the same side of the street
ned or occupied by them within said village.
act shall take effect immediately.

Chap. 209.

to amend the act entitled "An act to
and punish fraud in the use of false
brands, labels or trade marks," passed
fifteenth, eighteen hundred and sixty-

April 23, 1863; three-fifths being present.

*of the State of New York, represented in
Assembly, do enact as follows:*

. The third section of the act entitled "An
ent and punish frauds in the use of false
nds, labels or trade marks," passed April
eighteen hundred and sixty-two, is hereby
as to read as follows:

person who shall vend or keep for sale, any
handise, mixture or preparation, upon which
or counterfeited stamps, brands, imprints,
bels or trade marks shall be placed or affixed,
l to represent the said goods, merchandise,
preparation as the genuine goods, merchan-
e or preparation of any other person or per-
ng the same to be counterfeit, shall, upon
hereof, be deemed guilty of a misdemeanor,
punished by a fine not exceeding five hun-

dred dollars in each case so offending, and shall also be liable in a civil action to the person or persons whose goods, merchandise, mixture or preparation is counterfeited or imitated, or whose stamps, brands, imprints, wrappers, labels or trade marks are forged, counterfeited, placed or affixed, for all damages such person or persons may or shall sustain by reason of any of the acts in this section mentioned, and may be restrained or enjoined by any court of competent jurisdiction, from doing or performing any of the acts above mentioned.

§ 2. The fourth section of said act is hereby amended by adding thereto the following words: "And shall also be liable to the party aggrieved, in the penal sum of one hundred dollars for each and every offence, to be recovered by him in any court of law in this State."

§ 3. This act shall take effect immediately.

Chap. 210.

AN ACT making appropriations for certain expenses of government, and to supply deficiencies in former appropriations.

Passed April 23, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payments
by the treas-
urer regu-
lated.

SECTION 1. The treasurer shall pay, on the warrant of the Comptroller, except in cases in which it shall be otherwise directed in this act, the several amounts named, or such portion of them as shall be necessary to accomplish the purpose designed by the appropriations, to the persons there indicated; but no warrant shall be issued for any sum of money appropriated by this act, till the person or persons demanding the same shall present a detailed statement, in items, verified by affidavit, of the amount claimed, except in case of fixed salaries or where the amounts are specifically defined; and if the appropriation is for services, the statement shall specify their nature, the time employed, and the rate of compensation; and if it is for traveling expenses, it shall specify the distance, business, places visited, and the several

items of expense incurred ; and bills properly receipted and verified by affidavit, shall accompany all accounts for transportation, stationery and other expenditures. But when an appropriation shall have been made for the same purpose, or shall have been provided by another enactment, or by any officer of government, the sum here directed to be paid shall not be considered as an addition to such appropriation unless it shall be expressly so declared in this act.

§ 2. The following amounts, or such portion of them as may be necessary to accomplish the purposes designed, are hereby appropriated for the several objects specified in this act, namely :

DEFICIENCIES IN FORMER APPROPRIATIONS.

For deficiency of appropriation for incidental expenses of government, fifty dollars.

Executive department.

For deficiency of appropriation for taxes of the house occupied by Edwin D. Morgan, late Governor, to be paid to Franklin Townsend, in full for the same, fifty-four dollars and sixty-seven cents.

For deficiency of appropriation for the compensation of messenger in the office of the Attorney General, fifty dollars.

Attorney-general.

For deficiency of appropriation for postage of official letters of the Governor, Clerk of the Court of Appeals, Adjutant General, Attorney General, Secretary of State, Comptroller, Treasurer, Superintendent of Public Instruction and State Engineer and Surveyor, three thousand five hundred dollars.

Postage.

For deficiency of appropriation for expenses of printing and binding the report of the State Engineer and Surveyor, on railroads, for the year eighteen hundred and sixty-one, five hundred and nineteen dollars and forty cents ; which amount shall be repaid into the treasury by the several railroad companies of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.

State engineer.

For deficiency of appropriation for the support and maintenance of the several State prisons, sixty thousand dollars.

State prisons.

- Auction-
eers.** For deficiency of appropriation for compensation of agent to examine the accounts of auctioneers, etc., four hundred dollars.
- Fuel.** For deficiency of appropriation for fuel for the Capitol, the State Hall and the State Library, pursuant to chapter three hundred and ten of the laws of eighteen hundred and forty-two, five hundred dollars.
- Capitol.** For deficiency of appropriation for expenses of the Capitol for repairs, cleansing, labor, gas and other necessary purposes, three thousand dollars.
- State hall.** For deficiency of appropriation for expenses of the State Hall, for repairs, cleansing, labor, gas, and other necessary purposes, two thousand five hundred dollars.
- State cabinet of natural history and agricultural museum.** For deficiency of appropriation for expenses of the Hall for the State Cabinet of Natural History and the Agricultural Museum, for repairs, cleansing, labor, gas, fuel, and other necessary purposes, the bills and charges for which shall be audited and paid only on the joint certificate of the Secretary of the Board of Regents of the University, and of the Secretary of the State Society for the promotion of Agriculture, five hundred dollars.
- Public lands.** For deficiency of appropriation for repayment of money to purchasers for redemption of land sold for taxes, fifteen thousand dollars.
- For taxes erroneously paid.** For deficiency of appropriation for repayment of money erroneously paid into the treasury for taxes, three thousand dollars.
- State assessors.** For deficiency of appropriation for compensation of State Assessors, to each of them, one thousand five hundred dollars, or such portion of that amount as shall be due for services and expenses actually rendered and incurred.
- Public instruction, clerks.** For deficiency of appropriation for compensation of clerks in the Department of Public Instruction, five hundred dollars.
- Salt springs.** For deficiency of appropriation for the Onondaga salt springs, ten thousand dollars.
- Insurance department.** For deficiency of appropriation for expenses of the Insurance Department, for compensation of clerks and other necessary purposes, pursuant to chapter three hundred and sixty-six of the Laws of eighteen hundred and fifty-nine, two thousand five hundred dollars.

For deficiency of appropriation for the maintenance of teachers' institutes, to be paid from the income of the United States Deposit Fund, and expended under direction of the Superintendent of Public Instruction, two thousand dollars. Teachers' institutes.

For deficiency of appropriation for the compensation and disbursements of the board of engineers, seven in number, convened in the month of December, in the year eighteen hundred and sixty-one, to consider and report plans for the defense of the harbor of New York, and expenses incurred in connection with such meeting, to be paid on the certificate of the Governor, six hundred and thirty-five dollars. Engineers.

PUBLIC OFFICERS.

For compensation and expenses of Samuel B. Ruggles, commissioner appointed by the Governor, pursuant to concurrent resolution of the Legislature, adopted on the twenty-second day of April, eighteen hundred and sixty-two, to attend at Washington to invite the attention of the general government to the subject of adapting the canals of this state to purposes of public defense, four thousand dollars; the accounts of said commissioner to be audited by the comptroller of this State, and the amount, or such portion of it as shall be found due, to be paid on his certificate. Samuel B. Ruggles.

For expenses incurred by E. J. Whitlock, collector of canal tolls in the city of New York, in defending his claim to his office, contested by N. S. Benton, Auditor of the Canal Department, five hundred dollars, or so much of that amount as shall be found by the comptroller to be due, to be paid from the Canal Fund, on the warrant of the auditor. E. J. Whitlock.

For the Department of Public Instruction, for expenses pursuant to part one, chapter fifteen, title two, article one, section ten of the Revised Statutes, six hundred dollars. Public instruction.

For the Superintendent of Public Instruction for subscriptions to the "New York Teacher," for gratuitous circulation to school officers and inexperienced teachers, one thousand dollars; and for designs, specifications and drawings for school houses, to be furnished by him to officers of school districts, five hundred dollars.

Deputy
secretary of
state.

For the Deputy Secretary of State and as clerk of commissioners of the land office, two hundred and dollars.

Almon N.
Wakefield.

For deficiency of compensation to Almon N. Wakefield late chief clerk in the office of the Secretary of State the years eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, four hundred dollars.

J. C. Burn-
ham.

For compensation of J. C. Burnham, late clerk in office of the Canal Commissioners, for traveling expenses and other services performed, as certified by different members of the Canal Board, in the years eighteen hundred and fifty-eight, eighteen hundred and fifty-eighteen hundred and sixty and eighteen hundred and sixty-one, two hundred and ten dollars and fifty cents, which amount shall be paid to the widow of Burnham, out of the canal fund, on the warrant of the auditor.

Clerk, for
canal ap-
praisers.

For compensation of an additional clerk in the office of the Canal Appraisers, to be paid from the canal fund on the warrant of the auditor, one thousand dollars.

H. A.
Homes.

For compensation of H. A. Homes general librarian of the State Library, for translation of the French subscription law, fifty dollars.

Trustees of
state library

For the trustees of the State Library for boxes for British patent reports, one hundred and fifty dollars.

Superinten-
dent of capi-
tol and state
hall.

For the superintendent of the capitol, for services rendered while the capitol was occupied for military purposes, during the present fiscal year, one hundred and fifty dollars; and for the superintendent of the State capitol, one hundred and thirty-five dollars.

Lockwood
L. Doty.

For Lockwood L. Doty, former private and military secretary to the governor, in addition to his salary one hundred dollars.

Additional
compensa-
tion to
clerks in
civil depart-
ments.

For additional compensation to the clerks employed in the offices of the Comptroller, Secretary of State, Treasurer, Attorney General, State Engineer and Surveyor, Clerk of the Court of Appeals, Auditor of the Canal Department, Canal Appraisers and Department of Public Instruction, and clerks in the Executive department and the librarians and assistant librarians, during the current fiscal year, one hundred and fifty dollars each for one year's service, or a proportionate amount thereof for a term of service than the year.

MILITARY.

compensation of Colonel Silas W. Burt, as secre-
tary of the auditing board, created by chapter three hun-
dred and seventy-seven of the Laws of eighteen hundred
and sixty-two, to audit claims incurred in the organization,
equipment, quartering, subsistence and other proper
expenses of troops raised pursuant to chapter two hun-
dred and seventy-seven of the Laws of eighteen hundred
and sixty-two, or under the direction and authority of the
commodore in-chief in the State of New York. for the
United States, or received from this State
prior to the first day of January, eighteen hundred
and sixty-one, which claims
are chargeable to the several military depart-
ments of this State, and were unpaid heretofore on
account of irregularities, six hundred and sixty-six dollars
and six cents, to be paid from the appropriation
authorized by the aforesaid act.

Compensation of the surgeon-general,
for postage, stationery, expenses of volunteer
men called by him into service, and for the
enabling him to minister to the wants of sick
and wounded volunteers from this State, fifteen thousand
dollars, which amount shall be paid from the appropria-
tion authorized by section three hundred and
seventy-four of the Laws of eighteen hundred and
seventy-seven, on the certificate of the
surgeon-general.

Adjutant general for preparation and printing
of three hundred sets of muster rolls of volunteers from
the service of the United States to aid in the
suppression of the present rebellion, seven thousand five
hundred dollars.

Compensation of Lewis A. Sayer, surgeon of the
New York State Militia, for services ren-
dered at the encampment on Staten Island. pursuant to
chapter thirteen, issued by Charles W. Sand-
ford, general of that division, and bearing the date
of the ninth, eighteen hundred and fifty-eight, three
hundred and eighty-four dollars and seventeen cents.

Additional compensation to the clerks in the sev-
eral departments, etc., to John B. Stonehouse,
four hundred dollars; to James I. Johnson, four hundred

Silas W.
Burt.

Surgeon-
general.

Adjutant-
general.

Lewis A.
Sayer.

Additional
compensa-
tion to
clerks in

military de-
partments.

dollars; to Charles Evans, four hundred dollars; to Francis O. Mason, one hundred and twenty-five dollars; to W. W. Perkins, two hundred and seventy-five dollars; to Charles E. Huxley, one hundred and thirty-five dollars; to Charles E. Smith, one hundred and thirty-five dollars; to Benjamin C. Gilbert, one hundred and thirty-five dollars; to William G. Brown, one hundred and twenty-five dollars; to Alfred H. Taylor, one hundred and twenty-five dollars; to Charles W. Bently, one hundred and twenty-five dollars; to John C. Moore, one hundred and ten dollars; to Theodore Sill, one hundred and ten dollars; to Isaac B. Newcombé, one hundred and ten dollars; to Willis H. Merriman, one hundred dollars; to John G. Fine, fifty dollars; to Newell M. Case, ninety dollars; to Isaac Vanderpool, ninety dollars; and to Charles Becker, seventy dollars; to John J. Rider, two hundred dollars; to Horace F. Curtiss, one hundred and fifty dollars; to Charles C. Curtiss, one hundred and twenty-five dollars; to Henry P. Casey, two hundred dollars; to Hamilton Van Vechten, ninety dollars; to Edward C. Doty, seventy-five dollars.

W. H. Bunn

For expenses incurred in April, eighteen hundred and sixty-one, by W. H. Bunn, aid to Major General Burnside, of Fifth Division, by order of the Commander-in-chief, to ascertain the number of men in the seventeenth and nineteenth brigades, and thirty-eighth, forty-first, forty-second and forty-third regiments, ready for duty in ten days' notice, thirty-one dollars.

Appropriation for volunteer militia.

The unexpended balance of the appropriation of three millions of dollars made by the act entitled "An act to authorize the embodying and equipment of a Volunteer militia and to provide for the public defense," passed April fifteenth, eighteen hundred and sixty-one, is hereby re-appropriated and continued for the purpose of making any further payments which may be necessary and proper in carrying into effect the provisions of the said act and settling the accounts under the same.

For sick, wounded, furloughed, discharged and deceased soldiers.

For the benefit of sick, wounded, furloughed, and discharged soldiers of this State, for the removal of the remains of officers killed in battle or dying while in the service of the country, when in the judgment of the Governor it ought to be a public charge, the unexpended remainder of the appropriation of thirty thousand dol-

lars, made pursuant to chapter four hundred and fifty-eight, of the Laws of eighteen hundred and sixty-two, for expenses incident to the transportation, care and supplies of hospital for sick and wounded soldiers, is hereby appropriated, together with those amounts heretofore expended from the aforesaid appropriation which may be re-paid to this State by the Government of the United States.

For compensation for services rendered by C. A. Arthur, late Quartermaster-General of the State since the first day of January, eighteen hundred and sixty-three, in the arrangement and settlement of accounts against that Department and between this State and the United States, and in the settlement of the business of the said Department for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, five hundred dollars.

C. A. Arthur.

PUBLIC INSTITUTIONS, HOSPITALS, ASYLUMS, ETC.

For the Western House of Refuge, to enable the managers of that institution to pay their indebtedness, arising from the erection of a new workshop, the removal of buildings, the removal and construction of household apparatus, and other necessary improvements, eight thousand dollars.

Western House of Refuge.

For the Blind Mechanics' Association, in the city of New York, five thousand dollars.

Blind Mechanics' Association.

For the Woman's Hospital of the State of New York, being the renewal and continuance of a former appropriation, fifty thousand dollars; which amount shall be paid as follows, namely: Twenty-five thousand dollars when it shall be duly proven to the comptroller, by a statement verified by affidavit of the president and secretary of the board of governors of said hospital, that an additional amount of fifty thousand dollars has been received by them by donations from other sources, for the erection of suitable buildings for said hospital; and twenty-five thousand dollars during the next fiscal year, when it shall be proven, in like manner, that a further amount of fifty thousand dollars has been received by donations from other sources for the aforesaid purpose.

Woman's Hospital.

For the Prison Association of the city of New York, three thousand dollars.

Prison association.

Polytechnic
Institute.

For the Rensselaer Polytechnic Institute, ten thousand dollars; and for the Union Home and School for the education and maintenance of the children of volunteers in the city of New York, three thousand dollars.

Catholic
orphan asy-
lum.

For the Roman Catholic Orphan Asylum society in the city of Brooklyn, to aid in the erection of new buildings in place of those destroyed by fire in November, eighteen hundred and sixty-two, ten thousand dollars; for the Troy Orphan Asylum, for aid in the loss of their buildings, furniture, clothing and provisions, destroyed by the fire in the city of Troy in May, eighteen hundred and sixty-two, five thousand dollars; for the St. Mary's Orphan Asylum, in the city of Troy, two thousand five hundred dollars; for the St. Vincent's Orphan Asylum, in the city of Albany, for aid in the loss of their buildings by fire, one thousand dollars; for the Albany Guardian Society and Home of the Friendless, one thousand dollars; for the Society for the Relief of Orphan and Destitute Children of the city of Albany, one thousand dollars; for the Hudson Orphan Relief Association, one thousand dollars; for the Utica Orphan Asylum, two thousand dollars; for the St. John's Orphan Asylum in the city of Albany, two thousand dollars; for the Oswego Orphan Asylum, one thousand dollars; for the Watertown Home for the Destitute, Friendless and Orphan Children, for the erection of buildings, on condition that an equal amount shall be raised from other sources for that purpose, five thousand dollars; for the Rochester Orphan Asylum, one thousand dollars; for the St. Mary's Hospital in the city of Rochester, two thousand five hundred dollars; for the St. John's Boys' Orphan Asylum, in the city of Buffalo, one thousand five hundred dollars; for the Providence L. Orphan Asylum, one thousand dollars; for the Buffalo Orphan Asylum, one thousand dollars; for the Church of the Good Foundation in the city of Buffalo, five hundred dollars.

Colored or-
phan asy-
lum.

For the managers of the Colored Orphan Asylum in the city of New York, for the supplying of a deficiency in the apportionment made to that institution pursuant to chapter four hundred and thirty-five of the Laws of this State, eighteen hundred and sixty-two, on account of an error in its report to the Comptroller of the number of orphans supported in said asylum during the last fiscal year, one thousand one hundred and two dollars and five cents.

unt shall be deducted in due proportion from
 ce made to the orphan asylums overpaid in
 e of the error aforesaid.

New York Ophthalmic hospital, the New York
 ar Infirmary, the New York Ophthalmic Infir-
 Demilt Dispensary, the New York Dispensary
 rn Dispensary, the Eastern Dispensary, the
 stern Dispensary, the New York Infirmary
 r, the Bond Street Homeopathic Dispensary
 of New York, the Brooklyn Dispensary, the
 Central Dispensary, the Williamsburgh Dispen-
 Albany Dispensary, the Dispensary of the Troy
 he Buffalo City Dispensary, and all other in-
 Dispensaries in the State, to be divided among
 roportion to the number of patients actually
 prescriptions and treatment gratuitously at
 tutions respectively during the present fiscal
 e satisfactorily proven to the Comptroller on
 the principal officers of the aforesaid institu-
 thousand dollars.

Orphan Home and Asylum of the Protestant
 Church in New York, to assist the trustees and
 in defraying their indebtedness incurred in
 itable buildings, to be paid on the first day of
 ext, seven thousand five hundred dollars.

Female Academy of the Sacred Heart at Man-
 e in the county of New York, to aid in the
 a building to be occupied for a school house
 school for indigent female children, to be paid
 ificate of the president and clerk of that insti-
 e-half when the building shall be half com-
 d the residue when it shall have been finished,
 sand five hundred dollars.

Women's Hospital in the city of New York, the
 Infirmary for Indigent Women and Children,
 ary's Hospital in the city of Rochester, the
 neral Hospital, the Buffalo Lying-in Hospital
 ers of Charity, and the several incorporated
 n this State, except those in the city of New
 e paid on the first day of October next and to
 among those institutions in proportion to the
 patients in them and the time that those
 all have been under treatment during the

Ophthalmic
 hospital, in-
 firmaries
 and dispen-
 saries.

Episcopal
 orphan
 home and
 asylum.

Academy of
 the sacred
 heart.

Women's
 hospital.

year, and to be paid upon the presentation of a receipt duly verified by affidavit, pursuant to chapter four hundred and ten of the Laws of eighteen hundred and one, twenty-five thousand dollars.

Thomas
asylum for
Indian chil-
dren.

For the Thomas Asylum for orphan and destitute Indian children, for the maintenance and instruction of fifty children, to be paid quarterly, one thousand dollars, or a proportionate amount for a shorter period of time, or a smaller number of children, as shall be duly ascertained by the Comptroller and Superintendent of Public Instruction, and for the payment of its present indebtedness, one thousand dollars.

Incorporated orphan
asylum.

For the incorporated orphan asylums of this State, except the Leake and Watts Asylum in the city of New York, and including the Society for the Relief of Indigent Children of Seamen in the county of Richmond, the Forest Orphan Institute in the county of Queens, the Union Home and School for the education and maintenance of the children of volunteers, in the city of New York, the Five Points House of Industry, in the city of New York, the Colored Orphan Asylum, in the city of New York, the Female Guardian Society and Home for the Friendless, in the city of New York, the Nursery School, in the city of New York, the Brooklyn Child's Hospital, in the city of New York, the Brooklyn Industrial School Association and Home for Destitute Children, the Industrial School of the City of Rochester, the Home for the Friendless, in the city of Rochester, the Female Guardian Society and Home for the Friendless, in the city of Albany, the Home Association, in the city of Syracuse, the Home for Destitute, Friendless and Orphan Children, in the village of Watertown, and the Home for the Friendless, in the city of Watertown, to be paid on the first day of October next, a sum to be divided among the several counties of this State in proportion to the number of orphan and destitute children maintained in the asylums in those counties respectively, forty thousand dollars. The amount to be paid to the several counties shall be thus entitled shall be divided between the asylums in those counties in proportion to the number of indigent and orphan children who are maintained in those asylums during the year preceding. But in those counties in which there are no such institutions, a proportionate amount shall be paid to the

of supervisors of such counties, whenever proven to the Comptroller that suitable provision made for the maintenance and instruction of orphan and destitute children in those counties, and a home provided for them separate from the alms house of those counties.

BOOKS, PRINTING FOR DEPARTMENTS, ETC.

For printing one thousand five hundred copies of New York marriages," and for binding and delivering the same in order of the Secretary of State, the sum of one thousand dollars.

New York marriages.

For printing Legislative Manual for eighteen hundred and eighty-six, furnished pursuant to resolutions of the Senate, to members of the legislature, officers, reporters, and to State officers and regents of the State, and for diagrams furnished with the same, the sum of one thousand dollars, or such portion of that amount as may be found to be due.

Legislative manual for 1868.

For printing copies of the Legislative Manual for eighteen hundred and sixty-two, and one hundred diagrams furnished pursuant to resolution of the Senate, on the twenty-sixth day of March, eighteen hundred and sixty-two, sixty dollars; and for two hundred and fifty copies of the "Civil List" for eighteen hundred and sixty-two, furnished to members, officers, reporters of the Assembly, and to State officers of the university, pursuant to resolution of the Senate, adopted on the eleventh day of April, eighteen hundred and sixty-two, three hundred and fifty dollars and fifty cents.

Do. for 1862.

For printing circulars and blanks and for material furnished the auditing board, created pursuant to section three hundred and ninety-seven of chapter three hundred and ninety-seven of the laws of eighteen hundred and sixty-two, one hundred and ninety-nine dollars.

Circulars and blanks for auditing board.

For printing the Index to the Colonial History, being a list and the difference in composition between the former and brevier, one thousand eight hundred and sixty-eight dollars and sixty-eight cents.

Index to colonial history.

For printing books furnished by Banks and Brothers, on the justices of the supreme court for the first district, for the library of the supreme court

Law books for 6th judicial district.

at Binghamton, pursuant to chapter two hundred and thirty of the Laws of eighteen hundred and fifty-nine, two hundred and sixteen dollars and eighty-five cents; and for law books furnished by Banks and Brothers for the library of the Assembly, twelve dollars and sixty cents.

Law books
for attor-
ney general.

For law books furnished by William Gould to the library of the attorney general, sixteen dollars and fourteen cents.

Plates for
paleontol-
ogy.

For Charles Van Benthuyzen for lithographing and printing the plates for the Paleontology of the State, and for printing the said work and materials for the same, pursuant to his contract with the State, to be found in number nine of Assembly documents of eighteen hundred and fifty, two thousand five hundred dollars.

Session
laws for
1862.

For Comstock and Cassidy for publishing the Session Laws of eighteen hundred and sixty-two, one thousand one hundred and sixty dollars and forty cents.

Proclama-
tion of gov-
ernor.

For the proprietors of the Albany Evening Standard for publishing a proclamation of the Governor, one hundred and twenty-one dollars and twenty cents.

Ib.

To the proprietors of the Albany Statesman for publishing a proclamation of the Governor, one hundred and twenty-one dollars and twenty cents.

Digest of
tax-laws.

For printing and binding five hundred copies of the Digest of Tax Laws of the several States of this Union, made by Alfred B. Street, pursuant to order of the joint Legislative committee on the subject of assessments, five hundred dollars.

State prison
at Sing Sing

For payment for land taken for the use of the State Prison at Sing Sing, and the expenses incurred in acquiring the same under chapter two hundred and thirty-five of the Laws of eighteen hundred and sixty-two, eight thousand five hundred dollars, or so much of that amount as may be necessary, to be paid on the certificate of the Governor and Attorney General, provided that in the judgment of the Comptroller, the State is liable for the same.

John Butler
Jr.

For compensation in full of John Butler, Jr, and expenses as auctioneer in disposing of lands at Sing Sing, the property of the State, one hundred and fifty dollars, or such portion of that amount as the Inspectors of State Prisons, authorizing such sale, shall find to be due.

For supplying Croton water to the State prison at Sing Sing, pursuant to chapter two hundred and eighty-two of the Laws of eighteen hundred and sixty-one, one thousand eight hundred dollars.

Croton water, at Sing Sing prison.

For enlargement of the mess-room, hospital and chapel at the State prison at Sing Sing, ten thousand dollars.

Improvements at Sing Sing prison.
Ib.

For enlargement of the female prison at Sing Sing, changing cells and other improvements in connection with the work, seven thousand dollars.

For commencement of the construction of a new wall at the State prison at Sing Sing, five thousand dollars.

Ib.

For pickets for the fence at the State prison at Clinton, five hundred dollars.

State prison at Clinton.

For wrought iron doors at the State prison at Clinton, four thousand dollars.

Ib.

For rebuilding of two kilns for burning charcoal at the State prison at Clinton, eight hundred dollars.

Ib.

For additional appropriation for purchase of books for the library at the State prison at Clinton, fifty dollars; at Auburn prison, one hundred dollars; and at Sing Sing prison, one hundred dollars.

Library for state prisons.

For sinking of a shaft and excavation for iron ore, on lands owned by the State, at Clinton prison, to be expended under direction of the Inspectors of State Prisons, one thousand five hundred dollars.

Iron ore at Clinton prison.

For enlargement of the mess-room, hospital and chapel at the State prison at Clinton, three thousand dollars.

Mess-room, hospital and chapel at Clinton prison.
Asylum at Auburn.

For repairing the wall and buildings belonging to the asylum for insane convicts at Auburn, three thousand dollars.

For the inspectors of State prisons, for extra traveling expenses, six hundred dollars.

Inspectors of state prisons.

For compensation for extra services, to Henry L. Butler, clerk of the State prison and female prison at Sing Sing, four hundred dollars, and for extra services rendered by L. W. Pierce, clerk at the State prison at Clinton, three hundred dollars.

Henry L. Butler and L. W. Pierce.

For compensation of John Parkhurst for extra services rendered as agent and warden of the State prison at Clinton during the enlargement of said prison, six hundred dollars; and for compensation of Thomas Kirkpatrick, agent and warden of the state prison at Auburn, for

John Parkhurst.

extra services rendered during the enlargement of the State prison, one thousand dollars.

William
McClellan
and Mr.
Creighton.

For compensation of William McClellan, for performance of religious services at the State prison for several years past, at Sing Sing, and of Mr. Creighton, for performance of religious services at the State prison at Auburn for several years past, to each of them, two hundred and fifty dollars; and of a clergyman of like rank for the performance of religious services at the State prison at Clinton, one hundred dollars.

J. W. Rob-
inson,
James M.
Sigourney
and Thomas
E. Chittenden,
Jr.

For compensation of J. W. Robinson, for services as assistant surgeon of the eighty-second regiment of New York State volunteers, and of James M. Sigourney and Major E. Chittenden, junior, of the ninety-fourth regiment of New York State volunteers, to each of them, five hundred dollars, or such part of that amount as may be equitably due, to be paid from the appropriation for the year 1862, pursuant to chapter three hundred and ninety-two of the Laws of eighteen hundred and sixty-two.

EXPENDITURES OF THE LEGISLATIVE DEPARTMENT.

Chaplains
to senate
and assembly.

For compensation of the clergymen officiating as chaplains to the Senate and Assembly during the present session of the Legislature, to be paid one hundred dollars to the clerk of the Senate, and one half to the clerk of the Assembly, for distribution by them to those clergymen, at the rate of three dollars for every day of service, six hundred dollars.

Mathew O.
Hallenbeck.

To Mathew O. Hallenbeck, for services rendered previous to the organization of the House, the sum of one hundred and fifty dollars.

Charles E.
Young.

To Charles E. Young, as extra compensation, for services rendered as doorkeeper during the organization of the Assembly, one hundred dollars.

Clerks of
senate and
assembly.

For compensation of the clerks of the Senate and Assembly for extra clerical services and engrossing bills, to each of them, five hundred dollars; and for proof-reading and indexing the journal and documents of the Senate and Assembly, pursuant to chapter five hundred and thirty-two of the Laws of eighteen hundred and fifty-three, in addition to the compensation provided for in the said chapter, to each of them, two hundred and fifty dollars.

Deputy
clerks of
senate and
assembly.

For compensation of George W. Fay, as deputy clerk of the Senate; of John L. Parker, deputy clerk of the Assembly;

nsation of Thomas Fogarty, messenger of
of the Senate, Joseph Burns and R. C.
engers of the postmaster of the Senate,
g and Henry Smith, messengers of the ser-
of the Senate, to each of them, for every
service, two dollars; and to Sylvanus C.
and bank messenger of the Senate, and
, messenger of the librarian of the Senate,
m, for every day of actual service, two dol-

Messengers of senate.

lars and fifty cents, to be paid on the certificate of the president of the Senate.

Messengers
of assembly

For compensation of Henry C. Leslie, messenger of the clerk of the Assembly, Nelson P. Wells, H. Crosier, messengers of the postmaster of the Assembly, Bentley Murray, James O'Sullivan and Burke, messengers of the sergeant-at-arms of the Assembly, John F. Hicks, and Charles T. Mason, messenger of the librarian of the Assembly, to each of them, for every day of actual service, two dollars and fifty cents, to be certified by the speaker of the Assembly; and for Lord H. Church, bank messenger of the Clerk of the Assembly, for every day of actual service, two dollars and fifty cents.

Pages of
senate and
assembly.

For compensation of the several pages employed by the Senate and Assembly, and to the pages of the committees on railroads, the judiciary and ways and means, and for Joseph Trainer, Washington Wooldridge and Charles Lehman, to each of them, for every day of actual service, one dollar and fifty cents, to be certified by the certificate of the presiding officers, and chairman of the several committees, respectively.

Clerks of
committees
of Senate
and assembly.

For the compensation of the clerks of the several committees of the senate and assembly, to each of them, for every day of actual service, three dollars, to be certified by the certificate of the chairman of the respective committees that they have been so employed and engaged, except to the clerks of the committee on the judiciary, both the senate and the assembly, and of the committee on ways and means in the assembly, and to each of them, the sum of three hundred dollars.

Firemen.

For compensation of the several firemen employed about the capitol and state library during the session of the legislature, to each of them for every day of actual service, three dollars.

Night
watchmen.

For compensation of the night watchmen employed about the capitol, during the present session of the legislature, to each of them, for every night of actual service, three dollars, to be paid upon the certificate of the comptroller and superintendent thereof.

Cleansing
senate and
assembly

For compensation of the several women employed in cleansing the senate and assembly chambers,

connected with them, to each of them, for actual service, two dollars; and to the woman in cleansing the state library and rooms each of them, fifty dollars.

Compensation of Joseph B. Cushman for properly numbering and labeling the papers belonging to the Assembly, for the years eighteen hundred and sixteen hundred and fifty-one, eighteen hundred and fifty-two, eighteen hundred and fifty-three, eighteen hundred and fifty-four, eighteen hundred and fifty-five, eighteen hundred and fifty-six, and eighteen hundred and fifty-seven, pursuant to resolution of the Assembly adopted on the twelfth day of April, eighteen hundred and sixty-two, five hundred dollars; and for printing and mailing the "Clerk's Manual of the laws," to members elect of the assembly, three hundred dollars; and as extra compensation for service as clerk of the assembly during the organization of the same at its present session, three hundred

chambers
and state
library.

Joseph B.
Cushman.

R. Dayton, journal clerk of the assembly, his salary, the sum of three hundred dollars; S. Burdick, John L. Parker, J. Thomas Rich, and Richard E. Winsor, deputy clerks of the assembly, each the sum of two hundred dollars in their salary; and to said journal clerk and deputy clerks the same mileage as is allowed to members of the assembly; but the amount payable to

Additional
pay to
clerks and
deputy
clerks of
assembly.

Richard E. Winsor, is upon the express condition that the amount payable to said Winsor by chapter one of the laws of eighteen hundred and sixty-three, shall be paid from the treasury by said Winsor, or by him or persons; and if the same is already paid, the same shall be deducted from the amount appropriated to said Winsor.

Smith, doorkeeper of the gentlemen's gallery, the same mileage that is now allowed by law to members of the legislature.

Doorkeeper
of gallery.

Postmaster, assistant postmaster, librarian, assistant sergeant-at-arms, and the keepers of the assembly, the keeper of the chamber, the janitor of the assembly chamber, Wells, clerk's messenger, to Gaylord H.

Additional
pay to offi-
cers of as-
sembly.

Church, bank messenger of the clerk of the assembly, and to Henry C. Leslie, speaker's messenger, to each of them the sum of one hundred dollars as extra compensation.

Mileage to Charles N. Green, for 1856.

For compensation, mileage, etc., of Charles N. Green, postmaster and doorkeeper of the assembly of eighteen hundred and fifty-six, two hundred and thirty-two dollars and forty-four cents.

Alfred B. Street, for Digest of Tax Laws.

For compensation of Alfred B. Street, for preparing Digest of Tax Laws of the several States, pursuant to the direction of the joint legislative committee on the subject of assessments, five hundred dollars.

Sergeant-at-arms of senate and assembly.

For compensation of Levi M. Gano, sergeant-at-arms of the assembly, in lieu of all fees, for subpoenaing witnesses, etc., two hundred dollars; and for actual expenses and disbursements in subpoenaing witnesses, one hundred dollars, or such part of that amount as the comptroller shall find to be due; and to Richard U. Owen, sergeant-at-arms of the senate, in lieu of all fees, the sum of two hundred dollars.

Joint committee on assessment laws.

For expenses of the joint committee of the Senate and Assembly of eighteen hundred and sixty-two, appointed at the last session of the legislature to examine the assessment laws of the State, and to report on the same, such amount to be paid to James Terwilliger, Clerk of the Senate, one thousand four hundred and sixty dollars.

Select committee on unclaimed moneys in savings banks, &c.

For expenses and disbursements of the select committee, appointed pursuant to a resolution of the Assembly, adopted on the twenty-third day of April, eighteen hundred and sixty-two, to ascertain the amount of unclaimed moneys in the savings banks and other moneyed institutions, and to report on the same, to be paid on the certificate of the chairman of that committee, one thousand and two hundred dollars.

Select committee of senate on state prisons.

For expenses of the select committee of the senate, appointed to examine into the condition of the several state prisons, forty-eight dollars and forty cents.

Select committee of assembly on state prisons.

For the repayment of actual expenses and disbursements of the committee on state prisons, of the assembly, during their visit to ascertain the condition of the several prisons, five hundred and thirty dollars; and to Charles E. Young, sergeant-at-arms of said committee,

Charles E. Young.

for his expenses connected therewith, thirty-six dollars and fifty cents.

For alterations of the assembly chamber, to John N. Parker, for work done in the library, and materials furnished, three hundred and twenty-nine dollars and thirty-eight cents; to Tucker and Crawford, for gas fixtures, pipe and work, one hundred and twelve dollars and thirteen cents; to Joseph Davis, for painting and materials, nineteen dollars and thirty-one cents; and to Bailey & Jorammon, for work done and materials furnished in putting in the cold-air register in the assembly chamber, ninety-five dollars and eighty-two cents.

John N.
Parker

For expenses of the joint select committee, appointed by the legislature of eighteen hundred and sixty-two to investigate the subject of the manufacture of salt at Syracuse and Montezuma, to be paid to James Terwilliger, the clerk of the senate, six hundred and ninety-nine dollars.

Joint com-
mittee on
manufac-
ture of salt.

For repayment of the actual expenses and disbursements of the committee of the militia and public defense of the assembly during their visit to the city of New York, to inspect the defenses of the harbor, pursuant to resolution of the assembly, to be paid on the order of Joseph B. Cushman, two hundred and fifty-seven dollars and thirty-one cents.

Committee
on public
defense.

For compensation of George W. Bull, for traveling expenses and serving of subpoenas for the committee on the militia bill, thirty-eight dollars.

George W.
Bull.

For compensation of Benjamin F. Brady, for engrossing the resolutions complimentary to the clerk of the assembly, and for mounting and framing the same, sixty-five dollars.

Benjamin
F. Brady.

For repayment of expenses incurred by Horatio Ballard, secretary of state, in presentation to John L. Worden of the sword ordered, pursuant to concurrent resolution of the legislature, five hundred and sixty-eight dollars and ninety cents.

Presenta-
tion sword
to Lieut.
Worden.

For compensation of Gurdon B. Taylor, for nine days' services in the library of the assembly, twenty-seven dollars.

Gurdon B.
Taylor.

For compensation of Sanders Wilson, for indexing bills and documents, fifty dollars.

Sanders
Wilson.

Additional
pay to Nat.
Goodwin.

For additional compensation of Nathaniel Goodwin for extra and faithful services as superintendent of the senate chamber, two hundred dollars.

Additional
pay to As-
sistant ser-
geant-at-
arms, door-
keeper, as-
sistant
doorkeep-
ers,
librarian
and janitor.
Counsel in
the Callicut
case.

For the assistant sergeant-at-arms, assistant porter, doorkeeper, assistant-doorkeepers, librarian and janitor of the senate, in addition to the compensation allowed by law, the sum of one dollar a day for each of the session.

For compensation of counsel employed in the prosecution of charges preferred against T. C. Callicut examined by a select committee of the assembly, to Shafer three hundred dollars, to William J. Hadley three hundred dollars, to Lyman Tremain three hundred dollars, to Clark B. Cochrane three hundred dollars, to C. D. Brigham, clerk of the aforesaid committee, three hundred dollars.

Stenograph-
ers.

For compensation of Edward F. Underhill, for his services as stenographer of the select committee of the assembly appointed to investigate charges against T. C. Callicut, two hundred and fifty dollars; and for Charles E. Underhill, stenographer to the select committee appointed to investigate the matter of the opening of streets in the city of New York, three hundred dollars.

Clerks of
committees
in Senate.

For the clerks of the committees of finance, and of the cities and villages of the Senate, to each of them the sum of three hundred dollars.

Ib.

To the clerk of the Senate select committee of finance, for his services, one hundred and fifty dollars, to be paid on the certificate of the chairman of that committee.

Ch. G.
Fairman.

To Charles G. Fairman, journal clerk of the Senate, in addition to his salary, three hundred dollars, and to each of the deputy clerks of the Senate, in addition to their salaries, two hundred dollars and mileage the same as Senators.

Alex.
Ostrander.

For compensation of Alexander Ostrander, for the rooms furnished by him to the committee appointed to investigate the subject of opening streets in the city of New York, to be in full of all demands, one hundred dollars.

nsation of Giles H. Holden, for services as
 rms of the committee of assessments, thirty

Giles H.
 Holden.

ary of Monroe Henderson, Senator from the
 detained from his duties in the Senate by ill-
 paid to Henry W. Eastman, committee of
 nd estate of said Henderson, three hundred
 he same allowance for mileage to which he
 een entitled if he had attended the present
 e legislature.

Senator
 Henderson.

C. Kenny, for legal expenses in contesting
 mber of assembly from the county of New
 Lewis Hopps, in the year eighteen hun-
 y-one, three hundred and sixty dollars.

W. J. C.
 Kenny.

MISCELLANEOUS.

anhattan company, in the city of New York,
 at of the sum advanced by that company for
 on specie purchased for the payment of in-
 e general fund debt, twenty-two thousand
 d and eighty-one dollars and sixty-three cents,
 nt shall be paid from the general fund debt
 ; and for repayment of the sum advanced
 any for premium upon specie purchased for
 t of interest of that portion of the canal
 is chargeable upon the general fund, six
 ree hundred and twenty-seven dollars and
 cents.

Manhattan
 company.

ensation of Matthew M. Roberts, as commis-
 nted pursuant to chapter six hundred and
 the Laws of eighteen hundred and fifty-
 een dollars.

Matthew
 M. Roberts.

ges and expenses occasioned by the trial of
 dd, convict at the State prison at Clinton,
 er of Augustus T. Wright, a keeper, at the
 rminer of the county of Clinton, held in the
 ne, eighteen hundred and sixty-two, six hun-
 y-seven dollars and fifty-nine cents.

Expenses
 on trial of
 Wm. Judd.

rection of a bridge on the State road over
 is river at Hogansburgh, in the town of
 the condition that the town shall raise an
 nt for the same purpose, the sum here ap-
 to be drawn by the county judge of the
 ranklin, and paid by him on the certificate

State bridge
 over the St.
 Regis river.

duly verified by affidavit of the commissioner of highways of the town of Bombay, since the first day of March, one thousand eight hundred and sixty-three, one thousand five hundred dollars.

Repairs at
entrance of
Cayuga
lake and
inlet.

For completion of the repairs of the pier at the entrance of Cayuga lake, for dredging the channel and removing the bars from the inlet so as to give a depth of seven feet of water from Owego street bridge to the lake, and other work necessary to permit the passage of boats of the largest class, the amount to be paid from the appropriation for canal repairs and expended under direction of the canal commissioners, one thousand eight hundred dollars; and for repayment to the corporation of the village of Ithaca the amount advanced by said corporation for the construction of two bridges over Cayuga inlet, to be paid from the canal fund on the warrant of the auditor, one thousand six hundred dollars.

Bridge over
inlet.

Buffalo.

For payment to the city of Buffalo of an assessment upon the State arsenal for grading and paving Milnor street in said city, five hundred seventy-eight dollars and two cents.

Commis-
sioners of
land office.

For the commissioners of the land office, on account of the interest of the first lien of thirty thousand dollars on the Agricultural College at Ovid, two thousand five hundred dollars, or such portion of that amount as shall be necessary; and said commissioners shall report to the next legislature the situation and value of the college farm and buildings, and the outstanding indebtedness.

School for
colored
children.

For the trustees of the school for colored children, in the town of Flatbush, two hundred dollars; which amount shall be applied by them for payment of the undrfayed expenses for the maintenance of said school for the last fiscal year, and the remainder of it for the maintenance of said school during the present fiscal year, and shall be paid from the treasury on the certificate of the Superintendent of Public Instruction of the amount due for the maintenance of said school during the last fiscal year, and of the necessary expenses incurred for the same purpose during the present fiscal year.

Attend-
ance of con-
stables
in court of

For compensation of the constables in attendance upon the Court of Appeals during the year eighteen hundred and sixty-two, and to Henry Bertholf for attendance as

constable upon the Supreme Court during the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, so far as the same remains unpaid, pursuant to chapter four hundred and twenty-nine, of the Laws of eighteen hundred and forty-seven, two thousand dollars, or such part of that amount as shall be necessary to be paid as follows: To each of them for every day of actual attendance, one dollar and fifty cents, to be paid on the certificates of the clerks of the respective courts where such service was rendered.

appeals and
supreme
court.

For purchase by the State, for the purpose of making an addition to the capitol grounds, of the premises in the city of Albany, bounded easterly by the State library lot, southward by State street, westerly by Hawk street, and northerly by Congress or Spring street, to be paid on the delivery to the Comptroller of a proper conveyance or conveyances, for the said premises, either in one parcel or in separate parcels, as the Comptroller may see fit, to be certified by the Attorney General as conveying a good and valid title to the State, for the said premises, sixty-six thousand dollars; and for contingencies attending such purchase, searches, expenses of conveyancing, and for necessary improvements, removals, and arrangement of buildings, to be expended under direction of the trustees of the capitol, four thousand dollars, provided, that in case of any incumbrance on any part of said premises, the amount to be paid for the same shall be retained and not paid until such incumbrance shall be discharged.

Purchase of
addition to
capitol
grounds.

For the survey of the Allegany river from the junction of the Genesee Valley canal with said river to the mouth of Great Valley creek, beyond and near the crossing of the Buffalo and Brantford railroad, authorized by concurrent resolution of the Legislature of eighteen hundred and sixty-two, five hundred dollars.

Survey of
Allegany
river.

For repayment to Vivus W. Smith, for moneys advanced by him for excavations in the outlet of Onondaga lake, one hundred dollars and fifty cents.

Vivus W.
Smith.

For the trustees of the State Library, to be expended for the purchase of the manuscripts and correspondence of Sir William Johnson and others, to be deposited and preserved in the State Library, seven hundred and fifty dollars.

MSS. of Sir
Wm. John-
son.

Harvey
Baldwin.

For repayment to Harvey Baldwin for overpayment into the treasury upon the bond given to the State purchase money of lot number thirty-seven, in the village of Ogdensburgh, twenty-six dollars.

E. B. O'Callaghan.

One thousand five hundred dollars to Dr. E. B. O'Callaghan, being the amount appropriated last year in the annual appropriation bill, but improperly included in the item for clerical services in the office of the Secretary of State, in payment of his services from April fifteenth, eighteen hundred and sixty-two to April fifteenth, eighteen hundred and sixty-three.

International
exhibition.

For paying freight on articles sent by citizens of the State of New York to the International Exhibition at Hamburg, and the return of the same to New York, five thousand dollars, to be expended under the supervision of the New York State Agricultural Society.

Thomas
Clowes.

For compensation of Thomas Clowes, in full for services rendered as state assessor, five hundred dollars.

Premiums
on coin.

For the payment of premiums upon the purchase of coin to pay the interest upon so much of the State debt as was actually owned and held by citizens of foreign countries residing out of the United States on the first day of March, eighteen hundred and sixty-three, as the same shall continue to be so owned and held, the sum of seventy-five thousand dollars, or so much thereof as may be necessary to be paid in the first instance from the general fund, and the amount to be subsequently adjusted between the canal funds and the general fund, so that each shall bear its just burthen in proportion to the amounts paid on account of the debts of those countries respectively.

George
Reals.

For George Reals, for work done on the middle division of the canals, pursuant to contract, to be paid from the canal fund, on the warrant of the Auditor, thirty dollars and twenty-five cents.

Furniture
for court of
appeals.

For the clerk of the court of appeals, for the purchase of furniture for the room occupied by that court, five hundred dollars, or so much of that sum as may be necessary for that purpose.

Surgeons to
examine
volunteers.

For services of surgeons employed by the surgeon-general for examining volunteers previous to being mustered into the service of the United States, to be paid from the appropriation made by chapter four hundred and seventy

Laws of eighteen hundred and sixty-two, satisfactory vouchers are presented therefor, and dollars.

George H. Moore, for a manuscript copy of certain journals of the colonial legislature, proposed to be paid by him, such sum not exceeding five hundred dollars, as the regents of the university shall certify to be reasonable; and the appropriation to the said George H. Moore made in the supply bill of eighteen hundred and sixty-two, is hereby repealed.

George H.
Moore.

James Hay, in full for all claims as heir-at-law to the estate of Lake or Lake deceased, escheated to the State, and dollars, to be paid on his release in full for his share to such estate, or the proceeds thereof; such sum to be satisfactory in form to the Attorney General, as a condition of the appropriation made to said Hay in the act of eighteen hundred and fifty-eighth chapter of the Laws of eighteen hundred and sixty-two.

James Hay.

Henry D. Denison, the sum of four thousand five hundred and twenty-nine dollars and fourteen cents, for the cost of labor and materials furnished in rebuilding the dam in eighteen hundred and sixty-one and sixty-two, under a contract made with Robert S. Kelsey, superintendent of canal, to be paid the first day of October, eighteen hundred and sixty-two, to be paid out of any unappropriated money, to be paid out of the "remainder" of the canal revenues, on the order of the auditor of the canal department.

Henry D.
Denison.

Compensation of the judge of the tribunal of conciliation of the sixth judicial district, pursuant to chapter of the Laws of eighteen hundred and fifty-one of the Laws of eighteen hundred and sixty-two, one thousand five hundred dollars.

Judge of
tribunal of
conciliation.

Trustees of the State library for the purchase of British parliamentary reports, to be deposited in the State library, one thousand five hundred dollars.

British par-
liamentary
reports.

Law library of the supreme court of the sixth judicial district, five hundred dollars; and for furniture for the law library of the supreme court of the sixth judicial district, two hundred and fifty dollars.

Law library
in 6th dis-
trict.

Payment of engineering expenses incurred for survey and preparation of maps for the use of the canal, and for settlement of claims for lands taken for the construction of the Cayuga and Seneca canal, to be paid

Maps, &c.
for canal
appraisers.

Thomas
McLoghlin

from the unexpended remainder of the appropriation made pursuant to chapter eighty-eight of the laws of 1863, eighteen hundred and fifty-nine, one thousand dollars.

For compensation of Thomas McLoghlin, for the work done in compilation of the index to the Colonial Almanac, from the first day of October, eighteen hundred and sixty-one till the first day of November ensuing, provided that no payment has been made to him for the same labor, six dollars and sixty-six cents.

§ 3. This act shall take effect immediately.

Chap. 211.

AN ACT to authorize the construction of a macadam or other suitable road in the town of Southfield, Richmond county, and for the assessment and collection of the cost thereof.

Passed April 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Henry E. Dibblee, Nathaniel C. Townsend, and Dwight Townsend, of the town of Southfield, Richmond county, are hereby constituted a board of commissioners, with the power and authority to construct a macadam or such other road as in their judgment may be the most suitable and substantial from Vanderbilt avenue in said town, along and upon the following highways and roads in said town: Along that part of Bay street which lies south of Vanderbilt avenue, and through and along New York avenue and Richmond avenue. And from the time such road is being constructed the parts of the present highways or roads in said town over which such road is to be constructed shall be under the control of said commissioners.

§ 2. The said commissioners, are hereby empowered, and it shall be their duty upon at least twenty days previous public notice to contractors, to invite proposals and make all contracts, and to do all such other things as may be necessary to enable them to fully build and complete such road, which said notice shall state the time and place when and where the specifications

may be had; and the said commissioners shall immediately thereafter, and award the contract or contracts, which contract or contracts shall be the lowest responsible bidder or bidders, who shall give security for the completion of the contract in such sum as shall be approved of by said commissioners.

Said commissioners shall, before commencing construction of said road, cause a map of its route to be made and filed in the office of the clerk of said town of Southfield, and shall also ascertains and determine the cost of such road, and file in their certificate showing such cost, and all other and necessary expenses attending the same. Said commissioners shall make a just and reasonable assessment of the cost of such road and the expenses attending the same, among and upon the real estate of the road district in said town of Southfield, and the Bay View road district," intended to be levied hereby, in proportion as nearly as may be to the acreage which each separate parcel of real estate is deemed to derive, which said assessment when levied shall be payable as hereinafter provided, in four equal installments. And before commencing to make said assessment, said commissioners shall severally appear before the county judge of said county of Wayne, and make the said assessment fairly and impartially to the best of their skill and judgment, and the same shall be filed with the town clerk of said town.

Said commissioners shall, without unnecessary delay, submit their said assessment to said county judge; and his report shall set forth the names of the owners of the several parcels of real estate deemed to be benefited by the construction of such road, so far as the same shall be ascertained by them, and an apt and concise designation or description of said several parcels; and the several and respective sums by them estimated to be assessed as and for the amount to be paid by the owners of said several parcels for the benefit derived from the construction of such road; and each and every case and cases where the parties interested in any parcel of said real

estate, or their respective estates and interests as known or not fully known to the said commissioners shall be sufficient for them to set forth and state in said report that such owners and parties and their respective estates and interests, as the case may be, said commissioners unknown.

§ 6. The said commissioners, after completing said assessment, and at least fourteen days before make their said report to the county judge, shall deposit a true copy or transcript of such assessment in the office of the town clerk of said town of Southfield for inspection of whomsoever it may concern, and shall give notice, by advertisement to be published in the newspapers printed in said county of Richmond, of the said deposit thereof, in the said office, and on the day on which the said report will be presented to the county judge for confirmation; and any person or persons whose rights may be affected thereby, and who object to the same or any part thereof, may, on said day, appear before said county judge and state his, her or their objections to the same; and said county judge shall hear and determine such objections, and take such action respecting such objections as he may deem necessary, and he shall, if he determines said assessments are in any particular erroneous or unjust, in such particular alter or correct such report. And said report, so altered or corrected, if found unjust or erroneous, or if not so found, being by said county judge confirmed, shall be by said commissioners filed in the office of the clerk of the county of Richmond, and a true copy thereof shall be filed in the office of the clerk of the town of Southfield, and, when so filed in said offices, the respective sums assessed in said report shall be a lien and charge on the several parcels of real estate in said report mentioned and described on which said sums are respectively assessed.

§ 7. The respective owners and parties interested in the several parcels of real estate in said report mentioned and described shall be severally personally liable to said commissioners the amount or amounts which by said report is or are assessed on the several parcels of said real estate owned by him or them respectively. And said commissioners shall, without

ay, after the report is filed as aforesaid, give
by advertisement in the public newspa-
n said county of Richmond, of the filing of
And in case default is made in the pay-
such assessment to said commissioners
days after the first publication of such
such commissioners, by warrant under their
als, issued to a collector to be by them ap-
cause the amounts so remaining unpaid,
thereon from the time of the confirmation
together with the charges and expenses of
to be had for the collection thereof (the
determined by said commissioners,) to be
llected by distress and sale of the goods and
ch owner or owners or party or parties in-
aking default which may be found in said
chmond.

said commissioners shall, before delivering
rrant for the collection of said unpaid assess-
collector by them appointed, take from him
sufficient sureties to be by them approved,
amount of such taxes, conditioned for the
tion of his duties as such collector; and
shall require said collector to pay over to
ioners all moneys collected by him under
of the same on or before the return day
o return the said warrant to said commis-
a sixty days after the receipt of the same by
l provisions of law prescribing the liability
s of a town collector shall, so far as they
so, and as they are not inconsistent with
applicable to said collector appointed by
ioners.

be it further enacted that in any case any of
ments, by said warrants directed to be col-
n on the return day of said warrant uncol-
the said collector shall make affidavit of his
ded such assessment or assessments of the
ner or owners of the parcels of real estate
d assessments were charged, or shall make
the owner or owners of any such parcel of
not, upon diligent inquiry, be found in said
hmond, then it shall be lawful for said com-

missioners, and they are hereby authorized and empowered to advertise the said several parcels of land of them, for sale in the public newspaper or newspapers then printed in said county of Richmond for two or more times once in each week; and by such advertisement the owner or owners of such parcels of real estate advertised, shall be required to pay the amount of the assessment so remaining unpaid, together with the interest thereon at the rate of seven per cent per annum, to be calculated from the time of the filing of the beforementioned report of said commissioners) to the date of payment, with the charges of such notice and advertisement to the said commissioners. And notice shall be given by such advertisements, that if default is made in such payment, such real estate will be sold at public auction, at a day and place therein to be named for the lowest term of years at which any person or persons shall offer to take the same in consideration of advancing the said assessment, and the interest thereon as aforesaid to the time of sale, and together with the charges of the beforementioned notice and advertisement, and the hereinafter mentioned certificate, lease and advertisement, and all other costs and charges accrued thereon. And if, notwithstanding such notice, the owner or owners of any such parcel of real estate shall refuse or neglect to pay his or their assessment, and said interest and charges, then it shall and may be lawful, and said commissioners are hereby authorized and empowered to cause the parcel or parcels of land owned by such person or persons to be sold at public auction, for a term of years, for the purpose and in the manner expressed in the said advertisements. And such sales shall be made on the day and at the place for that purpose mentioned in the said advertisements, and shall be continued from day to day, if necessary, until all said real estate shall be sold. And said commissioners shall give to the purchasers of any such real estate a certificate in writing describing the real estate so purchased, the term of years for which the same shall have been sold, the sum paid therefor, and the time when the purchaser will be entitled to a lease of said real estate. And said commissioners shall, at least three months before the expiration of one year after any such sale, cause an advertisement

once a week during said three months in
or newspapers then printed in said county
in such form as they shall deem best calcu-
notice of such sales, and that unless the
ld be redeemed by a certain day, it would
to the purchaser. And if the person claim-
uch real estate, or some one on his or her be-
t, within one year from the time of such
d the notice aforesaid has been published as
ed, pay to the said commissioners, for the
urchaser, his executors, administrators, or
um mentioned on the said certificate given
nissioners to said purchaser. together with
thereof, at the rate of seven per cent per
the time of such sale, the said commission-
ne expiration of said one year execute to the
s executors, administrators or assigns, a lease
pective hands and seals of the real estate
uch term of years as the same shall have
nd such lease shall be conclusive evidence
was regular according to the provisions of
d such purchaser or purchasers, his, her, or
rs, administrators and assigns, shall by vir-
nd of this act, lawfully hold and enjoy the
te, in the said lease mentioned, for his, her
a proper use, against the owner or owners
all claiming under him, her or them, and all
lien or incumbrance thereon, until such
term therein shall be fully complete and
le, however, hereinbefore provided for, shall
any manner affect the lien of any mortgage
d, or judgment duly docketed, except the
his executors, administrators or assigns, shall,
receive a lease, as aforesaid, give to the mort-
gment creditor, a written notice of such sale,
tgagee or judgment creditor shall fail, within
after receiving such notice, to pay the amount
se money, with the interest thereon at the
per cent per annum from the date of such
purchaser, his executors, administrators or
ch payment shall be made by such mortgagee

or judgment creditor, the sale shall be of no further effect, and the mortgagee or judgment creditor shall have no claim on the premises for the amount paid, with the interest thereon that may accrue thereon at the rate of seven per centum per annum.

§ 12. The commissioners named in this act, or any one of them, shall require from the contractor, or contractors, to whom any contract may be awarded, by either of them, a compliance with the provisions of this act, a strict compliance on the part of the contractor with all the conditions and requirements of such contract, and shall in no case make any payment, or give any receipt, upon the said county treasurer, to a contractor, unless the same has fully complied with the terms of his contract. A copy of all contracts made in accordance with the provisions of this act, shall be filed in the office of the clerk of the town, where such work is performed, and shall, at the request of any tax-payer, be open to public inspection and examination, and for any and every violation of this or any other section of this act, any commissioner or town officers shall be deemed guilty of a misdemeanor.

§ 13. This act shall take effect immediately.

Chap. 212.

AN ACT to amend the act entitled "An act to amend the act passed June thirtieth, eighteen hundred and fifty-three, to facilitate the service of process in certain cases," passed June thirtieth, eighteen hundred and fifty-three.

Passed April 23, 1854.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to amend the act passed June thirtieth, eighteen hundred and fifty-three, to facilitate the service of process in certain cases," passed June thirtieth, eighteen hundred and fifty-three, is hereby amended by adding thereto the following:

"But (except in partition cases or actions or proceedings where no personal claim is made against the person included in the classes or description herein mentioned), none of the provisions of this act shall be deemed applicable to or in anywise relate to offi-

ans while actually absent from their town
 idence, and actually engaged in the army
 vice of the United States, nor to any sailor
 ally absent from his place of residence, and
 red in the naval service of the United
 xcept in partition cases and cases where
 aim is made, as aforesaid, no order shall be
 y court, justice or judge, under the provi-
 et, directing the service of any summons,
 or other process, as above provided, unless
 making the application for such order the
 uch order shall show to the satisfaction of
 tice or judge, by affidavit, that the defen-
 hom such order is desired, is not an officer,
 cian actually absent from his place of resi-
 ally engaged in the army or military ser-
 ted States, nor a sailor or marine actually
 s place of residence and actually engaged
 vice of the United States, or shall so show
 is one for the partition of real estate, or
 that no personal claim is made in the
 the defendant against whom such order

t shall take effect immediately.

Chap. 213.

provide for reimbursing, by a tax
 own of South Bristol, in the county
 money contributed in said town to
 es to volunteers, and to aid in sup-
 air families.

ril 23, 1863; three-fifths being present.

*of the State of New York, represented in
 embley, do enact as follows :*

In case of the passage of a vote or resolu-
 annual town meeting in the town of South
 county of Ontario, in the year eighteen
 sixty-four, declaring that the sums contrib-
 unties to volunteers, enlisted in said town,

under calls of the President for volunteers, issued subsequent to the first day of July, eighteen hundred and sixty-two, and to aid in furnishing support for families of volunteers so enlisted, ought to be reimbursed, by money to be raised by a tax on the taxable property of said town, said sums, and the interest thereon from the time when they were respectively contributed, shall constitute valid claims against said town, and shall be audited, allowed and paid in the manner prescribed by chapter fifteen of the laws of the present session.

§ 2. This act shall take effect immediately.

Chap. 214.

AN ACT to authorize the supervisors of the county of Erie and the Mayor and Common Council of the city of Buffalo to dispose of and build on certain lands in said city.

Passed April 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisors of the county of Erie shall have power to grant to the city of Buffalo, and the mayor and common council of the city of Buffalo shall have power to grant to the county of Erie, any interest of said county or city, respectively, in any real estate situated in said city of Buffalo; and said city and county are hereby authorized to take and hold any lands in said city, as tenants in common, and to erect upon any lands in said city, owned by said city or county, or by them as tenants in common, public buildings for the use of said city and county, on such terms, as to the division of the expense thereof, the occupancy thereof, and otherwise,* they shall agree upon.

§ 2. The said county and city shall have power to borrow money and issue the joint or several bonds of the said county and city for the payment of the same, for the purposes aforesaid.

§ 3. To carry out any of the provisions of the pre-

* So in original.

ceding sections, a vote of two-thirds of all the members of the board of Supervisors, shall be requisite to the passage thereof.

Chap. 215.

AN ACT to amend an act requiring the justices of the peace in the several towns of Monroe and Niagara counties, and the police justice of the city of Rochester, to pay over to the county treasurer, all fines received by them, and to report annually to the board of supervisors.

Passed April 23, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section first of an act requiring the justices of the peace in the several towns of Monroe and Niagara counties, and the police justice of the city of Rochester, to pay over to the county treasurer, all fines received by them, and to report annually, to the board of supervisors, passed April twelfth, eighteen hundred and sixty, is hereby amended so as to read as follows:

§ 1. It shall be the duty of the justices of the peace of the counties of Monroe and Niagara, and they are hereby required to pay over to the county treasurers of their respective counties, all fines imposed and received by them in their official capacity, within thirty days after the receipt thereof, except such fines as are now provided by law to be paid over to the overseers of the poor ; all such fines paid to the treasurer of the county of Niagara, shall be for the use of said county, and all such fines paid to the treasurer of the county of Monroe, shall be by him credited to the several towns from which said fines were paid, and said treasurer shall pay over to the overseers of the poor of the several towns of Monroe county, the amount of such fines received by him from said towns respectively for the use of the poor of such towns.

§ 2. This act shall take effect immediately.

Chap. 216.

AN ACT to provide for canceling judgments entered in the office of the clerk of Kings county upon assessments.

Passed April 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certificate
of payment.

SECTION 1. In all cases where a judgment has been entered for any assessment or assessments in the county of Brooklyn, in pursuance of the provisions of the act entitled "an act to revise and amend the several acts relating to the city of Brooklyn," passed April fourth, eighteen hundred and fifty, and the assessment or assessments for which such judgment has been entered shall have been or shall hereafter be paid, it shall be the duty of the collector of taxes and assessments, or the commissioner or other officer of said city to whom the payment has been made or shall hereafter be made, having charge of the office or department in which the payment has been made or may hereafter be made, to make a certificate in writing of such payment, stating the lot or lots of land upon which such payment has been or may be made, by number or otherwise, and the same has been described or designated in the roll of assessment upon which such judgment has been entered, and, if any assessment embraced in such judgment has been or shall hereafter be apportioned between the owners of different parts thereof, the parts of such lot upon which the apportionment of the assessment has been or shall be paid.

Certificate
to be filed.

§ 2. Such certificate shall be dated on the day on which it is made, and subscribed by the officer making the same, and by him filed in the office of the clerk of the county of Kings.

Cancelling
of judgment.

§ 3. If by such certificate it shall appear that the whole amount of the assessment or assessments upon which such judgment has been entered has been paid, the said clerk shall write upon the margin or other part of the roll of such judgment, the word "paid," and a brief note of the date and substance of said certificate.

of the officer making the same, and the same shall be so filed; and if by such shall appear that only a part of the assessed in such judgment has been paid, said write upon the judgment roll that said judgment as to such lot or lots, or parts of lots shall appear by such certificate such assessments have been paid, specifying such parts of lots, as the same are specified in such and thereupon such judgment, or so much all have been paid, shall be held to be canceled lien thereof upon the land upon which the assessments so paid was made, shall cease. Act shall take effect immediately.

Chap. 217.

to amend an act entitled "An act to amend the laying of a double railroad track in the city of Brooklyn, county of Kings, and the town of Newtown, in the county of Queens," passed April 16, 1860.

Passed April 23, 1863.

The People of the State of New York, represented in Assembly, do enact as follows:

Section three of the act entitled "An act to amend the laying of a double railroad track in the city of Brooklyn, county of Kings, and the town of Newtown, in the county of Queens," passed April 16, 1860, amended to read as follows:

A greater amount than four cents shall be charged for the transportation of a passenger from First Avenue, or five cents to Miller's Avenue, Queens county, and ten cents to the town of Newtown.

Act shall take effect immediately.

Chap. 218.

AN ACT to authorize the appraisal and payment of canal damages to Henry W. Palmer, Andrew O. Lamoreaux, Daniel F. Heath, Abram Peek, Sackett L. Husted, Lewis Husted and Richard J. Stone.

Passed April 23, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required, within the year eighteen hundred and sixty-three to ascertain and appraise, upon evidence taken in such manner as said canal appraisers shall direct and as they shall deem sufficient, the damages, (if any) for which the State is liable, sustained by Henry W. Palmer, Andrew O. Lamoreaux, Daniel F. Heath, Abram Peek, Sackett L. Husted, Lewis Husted and Richard J. Stone respectively, all of the county of Wayne, caused by leakage and a break in the Erie canal on section number ten near Port Gibson, in Wayne county, in May, eighteen hundred and sixty-one, and, if upon examination it shall be ascertained that any damages have been sustained by them respectively, or any of them, for which the State is legally liable, said canal appraisers shall make an award for the same, subject to appeal to the canal board.

§ 2. The treasurer shall pay on the warrant of the Auditor of the Canal Department, such sums (if any) as shall be awarded under the provisions of this act, out of any moneys appropriated, or to be appropriated, for canal awards; and the said auditor is authorized and directed to draw such orders upon such appraisals being made.

§ 3. This act shall take effect immediately.

Chap. 219.

AN ACT making appropriation to complete a bridge across the Sacandaga river at Northville, in the county of Fulton.

Passed April 23, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of twelve hundred dollars is hereby appropriated to build a stone pier and complete a bridge across the Sacandaga river at or near Northville, in the town of Northampton, in the county of Fulton.

§ 2. William F. Barker, John Houseman and Albert Moore, are hereby appointed commissioners to superintend the work on said bridge.

§ 3. The supervisors of the towns of Mayfield, Broadalbin and Johnstown, are hereby appointed a committee to examine the accounts of the said commissioners, and certify to the treasurer the amount expended by them.

§ 4. The treasurer is hereby authorized and directed to pay, on the order of the said commissioners, the sum so certified by the said committee as having been faithfully and judiciously expended by the said commissioners in completing said bridge and pier, a sum not exceeding twelve hundred dollars.

§ 5. This act shall take effect immediately.

Chap. 220.

AN ACT authorizing the election of a police justice and the appointment of police constables for the village of Lockport.

Passed April 23, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall hereafter be a police justice residing in the village of Lockport, to be elected by the inhabitants of said village in the manner hereinafter provided, who shall, except in case of his absence or inability

Police justice to be elected.

to act, have sole and exclusive jurisdiction to hear complaints and to conduct all examinations in criminal cases in said village and in the town of Lockport, and to hold all courts of special sessions to be held in said village of Lockport and town of Lockport. He shall reside in said village, keep an office in said village, and attend to all complaints of a criminal nature which may be brought before him at all reasonable hours; and in case of his death, removal from said village, or incapacity to act, his place shall, in the discretion of the trustees of the village, be declared vacant, and another shall be appointed to fill the place by the board of trustees of said village, to execute the duties of said office for the unexpired term for which he was elected, and until his place shall be supplied by an election as hereinafter provided. Warrants may be issued in criminal cases for the apprehending of offenders by any justice of the peace in said town or village, and they shall be made returnable before said police justice, except in case of his death, absence or inability, or vacancy in his office, and then the said warrants shall be returnable before the justices issuing them respectively.

Justices of the peace not to receive fees in certain cases.

§ 2. No justice of the peace residing in said village or town of Lockport shall be entitled to receive any fee or bound to render any services in criminal cases except during the sickness, absence or inability of said police justice, or during a vacancy in said office, and except the issuing of warrants, and attending to the examination or trial on the return thereof, as in the first section provided; in such cases it shall be the duty of said justice of the peace, in said town and village, to render the same services, and they shall receive the same fees, although this act had not been passed.

When justices of the peace to act

§ 3. When any warrant returnable before said police justice shall be returned during his absence, sickness or inability to act, or during a vacancy in said office, no further proceedings on such warrant may be had but by any justice of the peace in said village or town of Lockport, and all warrants issued by said police justice for the apprehending of criminals, shall have the same force and be subject to the same restrictions as warrants issued by justices of the peace in similar cases.

Election of police justices.

§ 4. It shall be the duty of the board of trustees of the village of Lockport, as soon as may be after the pas-

to appoint an election, to be held in said village, to elect such police justice, and shall cause notice of the time and place of holding of said election, to be published in two newspapers published in said village, at least ten days prior to the time of holding said election. At the next election the person having the largest number of votes for said office of police justice shall be elected to said office, and shall hold his office until the next charter election, to be held in said village eighteen hundred and sixty-seven, and until he is elected to supply his place. Said election shall be held and conducted, and the qualifications of the person elected shall be the same as at the annual charter election for said village, and all laws relative to such charter election shall apply to the election herein provided for. A charter election for village officers to be held in said village in eighteen hundred and sixty-seven, and at intervals of four years thereafter, shall be held every four years thereafter, and the person elected, in the same manner and upon the same terms as the other village officers then to be elected, shall be police justice for said village, who shall hold his office for four years, and until another shall be elected to supply his place, and shall have qualified.

It shall be the duty of the board of trustees of the village of Lockport at their first meeting after the passage of this act, or as soon thereafter as conveniently may be, to appoint at the first meeting of said board after each annual election for village officers in said village, or as soon thereafter as conveniently may be, to appoint by a majority of the members of said board four constables for said village, who shall hold their offices until the first meeting of said board after the next charter election next after said appointment, and the persons so appointed are appointed in their respective places; and all constables so appointed shall severally be liable to be removed from office at any time by a vote of a majority of the members of the board of trustees, and on such removal, or in case any of them shall die, remove from said village, become incapable of acting, said board shall have power to appoint another in his place, and the person so appointed shall hold his office until another shall be appointed to fill his place as hereinbefore provided.

Appointment of police constables.

Powers and
duties of
police con-
stables.

§ 6. The police constables appointed by virtue of this act shall possess all the powers, and perform all the duties, and be subject to all the liabilities of constables in the town of Lockport, in said county of Niagara; they shall not have the power to serve any civil process issued by any justice of the peace in said county of Niagara; they shall be at all times diligent in preserving the peace in said village, and in enforcing all the ordinances passed by said board of trustees, and shall be subject to the directions of, and shall obey all the orders of the mayor of said village.

Police jus-
tice and
constables
to receive
salary.

§ 7. Neither said police constables nor said police justice shall receive any fees for any services rendered by them; but in lieu thereof said police justice shall be entitled to and receive a salary of eight hundred dollars per year, and said police constables shall each be entitled to receive four hundred dollars per year for the time they respectively perform the duties of said offices, all of which shall be allowed, raised and paid by the trustees of said village; and all fines collected by said officers, or by any of them, shall be paid to the treasurer of said village. And after the first appointment of police constables under this act, no constable residing in the village of Lockport, or in the town of Lockport, shall be entitled to receive any fees for services in criminal cases, nor shall any such constable, except said police constables, be bound to render any services in criminal cases; and after no constables shall be elected at the charter election of said village.

§ 8. This act shall take effect immediately.

Chap. 221.

AN ACT for the appraisal and payment of damages to Calvin Woodhull.

Passed April 23, 1863; three-fifths being present.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to examine the farm lately owned by Calvin Woodhull, in the town of Oriskany, in the

and if they shall find that said Woodhull is equitably entitled to compensation for lands, and earth taken from said farm for the enlargement of the Erie canal, they shall appraise the same and they shall deem the said Woodhull justly entitled to the loss of fences, while the State was in possession of that portion of said farm; and the sum so ascertained, shall be paid by the auditor of the canal from any money appropriated to pay the same, subject to appeal to the canal board. This act shall take effect immediately.

Chap. 222.

to provide and repair arms and equipment of the militia of the State, and for the defense.

April 24, 1863; three-fifths being present.

Senate of the State of New York, represented in Assembly, do enact as follows:

That the moneys unexpended of the five hundred and fifty dollars appropriated by the first section of chapter two hundred and ninety-two of the Laws of 1862, and sixty-one, including the sum of one hundred and ninety-one thousand two hundred and fifty dollars and forty cents, received by this State from the United States, in payment for Enfield rifles, and much in addition thereto as shall make the sum of one hundred thousand dollars, are hereby appropriated for the purposes hereinafter specified.

That the said sum hereby appropriated may be expended in the direction of the Commander-in-chief, Governor, Secretary of State, Attorney General, and Comptroller, in such manner as they shall deem proper and appropriate for the purpose of effectually arming the militia of the State, and providing for the public

Amount appropriated

How expended.

That the arms, equipments and munitions of war provided for by authority of this act shall be distributed in such manner as the Commander-in-chief shall

Distribution of arms, &c.

deem best for the interest of the militia service of the State.

Commander-in-chief to report to legislature.

§ 4. The Commander-in-chief shall report to the next legislature, at the opening thereof, or as soon thereafter as may be, all his acts and proceedings under and by virtue of this act.

Commandants of regiments and companies to give bond.

§ 5. In the distribution of the arms and equipments and munitions of war, procured by virtue of this act, the Commander-in-chief shall require of the commandants of companies or regiments to whom they shall be distributed, such security for the safe keeping and preservation as may be necessary, in his judgment, for that purpose, which security shall be a bond to the people of this State, with such sureties and to such amount, as the Commander-in-chief shall approve, conditioned for the safe keeping and preservation of such arms, equipments and munitions of war, and the return thereof to the arsenals of the State, whenever such return shall be ordered by the Commander-in-chief. Such bond shall be filed in the office of the Adjutant General of the State.

Inspector general to report to legislature.

§ 6. It shall be the duty of the inspector general to ascertain and report specially at every session of the legislature, at the opening thereof or as soon thereafter as may be, the number and condition of the arms, equipments and munitions of war procured under and by virtue of this act, in addition to the reports now required by him to be made.

Prohibitory provision.

§ 7. But no portion of the moneys appropriated by this act shall be paid from the State treasury, except it be for arms, equipments and munitions of war, actually purchased or repaired and delivered to the proper officers, by the direct order of the Commander-in-chief, Lieutenant Governor and Comptroller, and for such other purposes connected with the public defense as they may approve, accompanied by proper vouchers. And such expenditures shall be paid for, only upon the certificate of the Commander-in-chief, Lieutenant Governor and Comptroller, by the warrant of the Comptroller, drawn upon the State Treasurer.

§ 8. This act shall take effect immediately.

Chap. 223.

AN ACT to incorporate "The Soldiers' Home."

Passed April 24, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Lieutenant-General Winfield Scott, Major-General Geo. B. McClellan, Major-General John E. Wool, Washington Hunt, Francis Kernan, Millard Fillmore, August Belmont, Wm. B. Astor, Benj. N. Huntington, J. Sullivan Thorne, Rev. Francis Winton, D. D., John H. Brower, George Beach, John Bowdish, David Rumsey, Charles P. Wood, Thomas W. Olcott, William E. Dodge, A. B. Conger, Erastus Corning, Charles P. Daly, Nathan C. Ely, John S. Gould, Robert P. Getty, George Dayton, Gouverneur Kemble, Oswald Ottendorfer, Hamilton Fish, Edwin D. Morgan, John T. Hoffman, John Anderson, David Banks, Jr., James B. Nicholson, William Cassidy, Dean Richmond, Amasa J. Parker, Wm. Curtis Noyes, George Dawson, John W. Avery, Samuel Sloan, Brigadier-General James S. Wadsworth, Thomas H. Faile, Bradish Johnson, John Stryker, John B. Hall, Henry Grinnell, John Kelly, John F. Seymour, Daniel E. Delevan, Thurlow Weed, Elias B. Holmes, Peter Rowe, George G. Scott, Wm. C. Beardsley, D. B. St. John, J. Dean Hawley, J. Oakley Vanderpool, Geo. Opdyke, Lockwood L. Doty, Daniel Devlin, Edward Dodd, Wm. A. Wheeler, Joseph Mullin, Amaziah B. James, Robert Lansing, Wm. H. Ferry, Peter A. Porter, Elias W. Leavenworth, Samuel G. Andrews, Peter Cagger, Isaac Sherman, William Kelly, John A. King, Alexander Stewart, Gen. C. W. Sanford, Right Rev. Bishop Hughes, Rev. D. Weston, Robert B. Minturn, Rev. Morgan Dix, Martin Grover, Smith Ely, Jr., Frederick Juliand, Thomas Stephens, together with such persons as may be hereafter associated with them, and their successors are hereby constituted a body corporate, by the name of "The Soldiers' Home," for the purpose of providing a home and maintenance for officers and soldiers who have served, are now serving, or may hereafter serve in the volunteer forces raised or furnished by or

Corpora-
tors.

Corporate
name.

from the State of New York, who, by reason of wounds or other disabilities received or produced in the service of the United States, or of the State of New York, shall be unable to support themselves, and all who having been honorably discharged shall be decrepid or homeless in their old age.

Trustees
and ex-
officio trust-
tees.

Term of
office.

By-laws.

Powers.

§ 2. The affairs of the corporation hereby created shall be managed by a board of sixteen trustees, who shall be residents of the State of New York, and of which board the Governor, Lieutenant Governor, Comptroller, and Secretary of State shall be *ex officio* members. Said trustees, other than said *ex officio* members, shall hold their offices for three years, and until others are elected in their places. The first board of trustees other than said *ex officio* members thereof, shall be elected by the persons named in the first section of this act, at a meeting to be called by a notice signed by a majority of them; four shall be elected for the term of one year, or until others are elected in their places; four for two years, or until others are elected in their places; and four for three years, or until others are elected in their places. The trustees may, from time to time, establish by-laws for the admission of members, the conduct of the affairs of the corporation, and government of "The Soldiers' Home," hereby incorporated, provided such by-laws are not inconsistent with the Constitution of the United States, the Constitution and laws of this State and this charter. They may provide for the election of trustees, the filling of vacancies among the trustees, the circumstances which shall cause a vacancy, and also for the appointment or election of such officers and employees as they may, from time to time, deem necessary, except so far as such election or appointment is prescribed in this act, and also the compensation or salaries of such officers and employees.

§ 3. The corporation hereby created shall possess the general powers, and be subject to the general liabilities enumerated in the third title of the eighteenth chapter of the first part of the Revised Statutes, so far as the same are applicable. It shall also have power to receive and disburse funds, and to purchase or take by gift, deed, devise, bequest, or otherwise, any real or personal estate, for the uses and purposes of said corporation, subject to the provisions of law; and shall have full

power to grant, bargain, lease, encumber or dispose of the same, or any part thereof, provided, however, that all moneys arising from any such grant, lease, incumbrance or disposal, shall be appropriated to the objects and purposes of said corporation. The property of said corporation shall be exempt from taxation and assessment.

§ 4. The trustees shall elect from their own body a president, secretary and treasurer, who shall hold their offices for one year, and until others are elected in their places. The treasurer, before he shall enter upon the duties of his office, shall execute a bond to the people of the State of New York in the penalty of one hundred thousand dollars, to be approved by said board of trustees, conditioned for the faithful performance of his duties as such treasurer, which bond shall be filed in the office of the Comptroller of the State. Said treasurer shall not, directly or indirectly, receive any interest or profit from any funds in his hands. The trustees shall select for the practical management of the home, officers or soldiers who have served honorably and received an honorable discharge, giving preference to those who have been actually disabled by wounds or other causes, but whose mental faculties are unimpaired. There shall be appointed by the trustees for this purpose a governor, lieutenant governor, surgeon, chaplain and steward, and such supernumeraries as may be needed. The trustees shall have power to remove such officers and supernumeraries at their discretion, and to establish such rules, consistent with the act, as they may deem proper for the government of the household.

Officers.

Removal of officers.

§ 5. The interior management of the home shall be conducted on strict military principles, and according to army regulations; the inmates shall wear their uniforms, two suits of which shall be furnished yearly to each person by the Quartermaster-General of the State.

Management.

§ 6. The trustees shall have the power to select the site for the home, and to accept donations of land or other property for the same, and also power to contract for and superintend the erection of all necessary buildings.

Site.

§ 7. The flags of the different regiments of New York volunteers shall, on their return from the field, be deposited in a hall of honor, or chapel, to be provided for

Flags to be deposited.

Trophies.

Trustees to
report to
legislature.No compen-
sation.

this purpose in the erection of the building or building for said home. A place shall also be provided for the preservation and display of all other trophies to said volunteers, where the same shall be placed and

§ 8. The trustees shall make an annual report to the legislature of the affairs, and of their acts, giving account of all donations and appropriations received, all disbursements and debts, with a list of office employees and inmates.

§ 9. The trustees shall receive no compensation for their services under this act.

§ 10. This act shall take effect immediately.

Chap. 224.

AN ACT to provide additional means of relief for the sick and wounded soldiers of this State of New York in the United States service.

Passed April 24, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Governor
may ap-
point agents

SECTION 1. The Governor of this State is hereby authorized to appoint suitable persons as agents for this State, whose duty it shall be to provide additional means of relief for the sick, wounded, furloughed and discharged soldiers of this State, who shall have been, are or may hereafter be engaged in the United States service while being transported to and from their homes, to ascertain the names and condition of all patients coming to this State, in the United States hospitals, within such limits as the Governor may designate; to keep a register of the same, and to furnish information to the persons who make inquiry concerning them; to facilitate the removal of the bodies of deceased soldiers to their homes, or of such deceased, when such action is desired, to perform such other duties for the relief of the sick and wounded soldiers of this State as the Governor may designate and require; to make reports to the Governor of his or their transactions and expenditures, with vouchers duly verified on oath. The compensation of said agents to be fixed by the Governor.

Governor may appoint such number of surgeons, as from time to time may be required for the care, comfort and removal of the sick and wounded soldiers belonging to the State of New York. Compensation of such agents shall be commensurate with services rendered, and to be fixed by the gov-

Governor
may ap-
point sur-
geons.

sum of two hundred thousand dollars, or so much of as may be necessary, is hereby appropriated for the purpose of carrying this act into effect, and shall be paid out of any moneys in the treasury so appropriated, to be paid on the order of the Governor and disbursed under his directions, for the purposes aforesaid; the Governor to account to the Comptroller of the money that shall be expended in pursuance

\$200,000 ap-
propriated.

Comptroller of this State, on the order of the Governor, is hereby authorized and directed to pay such sums for services rendered, or disbursements made in pursuance of this act, as, after being verified on oath, and in the same manner as other military accounts, shall be approved by the Governor, and he is further authorized on the order of the Governor to place in the hands of the Comptroller of the State such sums of money as may be necessary to meet the foregoing requirements, at the discretion of the Governor, first requiring the said agents to give adequate security for a proper disbursement of the

Comptrol-
ler to pay
accounts on
order of
governor.

This act shall take effect immediately.

Chap. 225.

ACT for the relief of John McGrane.

April 24, 1863; three-fifths being present.

Senate of the State of New York, represented in the Assembly, do enact as follows:

1. The mayor, comptroller and corporation of the city of New York are hereby authorized to pay the amount, if anything, which may be legally due to John McGrane for work actually done under his contract with the mayor, aldermen

and commonalty of said city, bearing date February nineteen, eighteen hundred and fifty-six, to regulate and grade Fourth avenue from Thirty-eighth to Fifty-eighth street.

§ 2. The comptroller of the city of New York is hereby authorized and required to pay from the city treasury whatever sum, if anything, may be adjudged to be due to the said John McGrane.

§ 3. This act shall take effect immediately.

Chap. 226.

AN ACT to amend the twenty-fourth section, second article, sixth title, chapter second and part fourth of the Revised Statutes, relating to writs of error in criminal cases.

Passed April 24, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The twenty-fourth section, second article, sixth title, chapter second and part fourth of the Revised Statutes is hereby amended by adding thereto the following words: "Provided, however, that the appellate court shall have power upon any writ of error, when it shall appear that the conviction has been legal and regular to remit the record to the court in which such conviction was had, to pass such sentence thereon as the said appellate court shall direct."

§ 2. This act shall take effect immediately.

Chap. 227.

AN ACT to enable the board of supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York.

Passed April 24, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of New York are hereby authorized and required, as soon as conveniently may be after the passage of this act, to order and cause to be levied and raised by tax upon the estates by law subject to taxation within said county, and to be collected according to law for the use of the mayor, aldermen and commonalty of the city of New York, an amount of money equal to the aggregate of the several sums hereinafter stated, after deducting from such aggregate, according to law, the estimated amount of income and receipts of said corporation for the current year, that is to say:

Authority of supervisors to raise money, and application of money.

Advertising for the common council, forty-five thousand dollars.

Aqueduct, repairs and improvements, one hundred and fifteen thousand dollars.

Belgian pavement, one hundred and five thousand dollars.

Board of health, six thousand dollars.

Cleaning streets, two hundred and seventy-nine thousand dollars.

Cleaning markets, twelve thousand dollars.

The bureau for the inspection, regulation and management of the public markets of the city of New York shall hereafter be in the finance department of said city, and all laws and ordinances now in force relative to the bureau of markets, or superintendent or other officers thereof, shall apply to the said bureau as herein provided.

City contingencies, sixty-five thousand dollars.

City dispensaries, seven thousand dollars.

New York Homœopathic Dispensary, corner Twenty-third street and Second avenue, fifteen hundred dollars.

Contingencies, mayor's office, thirteen thousand dollars.

Contingencies, comptroller's office, eleven thousand dollars.

Contingencies, law department, twenty-five thousand dollars.

Contingencies, street, department, ten thousand dollars.

Contingencies, city inspector's department, twenty thousand dollars.

Contingencies, Croton aqueduct board, five thousand and six hundred dollars.

Donations, forty thousand dollars.

Erection of a Roman Catholic orphan asylum, fifty thousand dollars, not to be paid till the managers shall furnish satisfactory evidence to the Comptroller, that at least seventy-five thousand dollars have been raised by them for the purposes of the erection of buildings for said asylum.

Election expenses, five thousand dollars.

Fire machines and apparatus, one hundred and forty-three thousand dollars.

Fire alarm telegraph, three thousand dollars.

Fire telegraph, forty thousand dollars.

Interest on revenue bonds, ten thousand dollars.

Fourth avenue parks, twelve thousand five hundred dollars.

Lamps and gas, four hundred and sixty-four thousand dollars.

Lands and places, twenty-five thousand dollars.

Opening new streets, expenses of, ten thousand dollars.

Printing for the common council, seventy thousand dollars.

Printing for departments, forty thousand dollars.

Public buildings, construction and repairs, one hundred and sixty-five thousand dollars.

Police court house, completion of, forty-five thousand dollars, which sum, or so much thereof as shall be required therefor, shall be expended to complete the police court house in east Fifty-seventh street, in the manner provided in chapter five hundred and five of the Laws of eighteen hundred and sixty.

Rents, forty-four thousand dollars.

Real estate, purchases of, fifty thousand dollars.

Real estate expenses, sixty-eight thousand dollars.

Removing night soil, offal and dead animals, thirty-four thousand five hundred dollars.

Roads and avenues, seventy-five thousand dollars.

Salaries, legislative department, seventy-six thousand and fifty dollars.

Salaries, mayor's office, thirteen thousand dollars.

Salaries, department of finance, one hundred and six thousand dollars.

Salaries, street department, ninety thousand two hundred and eighteen dollars.

Salaries, Croton aqueduct department, sixty-five thousand six hundred dollars.

Salaries, law department, thirty thousand dollars.

The head of this department shall have the exclusive right, and it shall be his exclusive duty, to appear for and represent the said mayor, aldermen and commonalty, and their officers, in all motions, actions and proceedings.

Salaries, city inspector's department, one hundred and nineteen thousand two hundred and twenty-seven dollars.

Salaries, commissioners of health, five thousand three hundred and forty-five dollars.

Salaries, fire department, forty-one thousand five hundred dollars.

Salaries, board of revision and correction of assessments, three thousand dollars.

Salaries of board of assessors, seven thousand dollars.

Salaries of the unsafe building officers, fourteen thousand nine hundred dollars.

Monument in Calvary cemetery, twelve thousand dollars.

Salaries, city courts, one hundred and thirty-nine thousand one hundred and sixty-seven dollars.

Stationery and blank books, forty-five thousand dollars.

Sewers, repairing and cleaning, forty-six thousand dollars.

Streets, repaving and repairs, one hundred thousand dollars.

Society for the reformation of juvenile delinquents, eight thousand dollars.

Supplies for and cleaning public offices, seventy thousand dollars.

Water pipes and laying, one hundred and twenty-nine thousand dollars.

Wells and pumps, repairing and cleaning, two thousand five hundred dollars.

Wharves, piers and slips, two hundred thousand dollars.

The House of Mercy, New York, fifteen thousand dollars.

Laying out the city north of One hundred and fifty-fifth street, twenty thousand dollars.

One hundred and fifty-fifth street, working as a country road, ten thousand dollars.

Limitation
as to appli-
cation of
moneys.

§ 2. No portion of the sums which shall hereafter be raised by tax or assessment in the city and county of New York shall be paid for advertising except the same shall have been incurred for advertisements in the newspapers authorized by the mayor and comptroller of the said city, who shall designate four papers having the largest daily circulation, and any six others in their discretion, not to exceed ten in all.

Id.

§ 3. The said several sums shall be appropriated and applied in the manner provided by law, to the payment of such necessary expenses of the said corporation as are usually estimated and provided for under the heads and to the amounts respectively specified in the first section of this act; but nothing herein contained shall be construed to authorize any department or officer of said corporation, or other person or persons to incur expenses for any purpose whatever, to be paid from the city treasury, which are not expressly contemplated and authorized by law, or exceeding in amount the sums provided for, respectively, by this act or by other laws.

Authority
given to
commis-
sioners of
Central
Park to ob-
tain money
on faith of
certain
stock.

§ 4. In case the board of commissioners of the Central Park in the city of New York, shall at any time require money for immediate use before said board can realize the proceeds of such portion of the public fund or stock authorized by chapter eighty-five of the Laws of eighteen hundred and sixty, as shall then remain unissued, the said board may obtain advances of money on the faith of said stock in anticipation of the issue thereof, at not exceeding six per cent interest, and to an amount not greater than fifty per centum of the amount of the said stock then unissued, at its par value. The comptroller of the city

of New York shall issue the portion of said fund or stock remaining unissued, at not less than its par value, at such times and in such amounts as shall be required by said board, and shall deposit the moneys raised thereon in the manner specified in section three of said chapter, and the person or corporation making such advances shall be entitled to be reimbursed by said board out of such moneys the amount of said advances.

§ 5. The appropriation hereinbefore provided and authorized for repairing and cleaning sewers, shall apply upon any authorized agreement or contract entered into therefor, and it is hereby declared lawful for the Croton aqueduct board to authorize and make, or cause to be made, any agreement or agreements, contract or contracts for repairing and cleaning the sewers, and to which the said or kindred appropriations apply; and the contract or contracts shall be awarded as in the judgment of the Croton aqueduct board shall be for the interest of the city. The work under said contract or contracts or agreements, shall be performed under the supervision of the Croton aqueduct board. The party or parties to whom such contract or contracts may be awarded, or with whom such agreements may be made, shall give such security for the faithful performance thereof, as may be prescribed by the Croton aqueduct board.

Repairing
and clean-
ing sewers.

§ 6. The board of supervisors are hereby also empowered, in case of any judgment or judgments being obtained against the mayor, aldermen and commonalty of the city of New York, after the passage of this act, and before the annual taxes for the year eighteen hundred and sixty-three are levied, which judgment or judgments shall be founded upon claims or debts not contemplated in any estimates or appropriations heretofore made by the common council of said city, or by the said board of supervisors, and not provided for in any of the several amounts, by this act, or other law, authorized to be raised by taxes, or which may have been heretofore raised for such purpose, upon the request of the comptroller of said city; to include in the amount of taxes to be raised for and on account of said corporation for the year eighteen hundred and sixty-three, such sum as shall be sufficient to satisfy such judgment or judgments, and all legal costs and expenses incident thereto, for which the

Certain
judgments
to be paid
out of mo-
neys raised
by tax.

said corporation may be liable; and such sum shall be collected in the same manner as other taxes are by law collected.

When moneys may be borrowed to pay judgments.

§ 7. In case any judgment or judgments shall be recovered against the said corporation, at any time after the annual taxes for the year eighteen hundred and sixty-three shall have been levied by said board of supervisors, and before the annual taxes for the year next succeeding shall have been levied, the said mayor, aldermen and commonalty of the city of New York are authorized to borrow, upon the credit of the corporation, such sums of money as from time to time may be necessary for the payment of such judgment or judgments, and the legal costs and expenses incident thereto, and which the said corporation may be liable to pay, and to issue revenue bonds therefor, in the usual form, the same to be payable at any time during the year eighteen hundred and sixty-four, from the taxes and other revenues of the corporation, applicable to such purposes, for that year; and the board of supervisors, or other body authorized to levy the taxes for said city, for the said year eighteen hundred and sixty-four, shall include an amount sufficient to pay such revenue bonds, so issued with the interest thereon, in the annual tax levy for said year, in addition to the amounts provided in said levy for other purposes; and the same shall be collected in the manner provided by law for the collection of other taxes.

§ 8. This act shall take effect immediately.

Chap. 228.

AN ACT to widen and open Bushwick avenue and Morrell street in the city of Brooklyn from North Second street to the city line, and to regulate, grade and pave the same.

Passed April 25, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Change in avenue and street.

SECTION 1. Bushwick avenue and Morrell street, in the city of Brooklyn, from North Second street to the southeasterly termination of Bushwick avenue at the

city line, are hereby widened and opened as laid down and designated on the maps filed in the office of the street commissioner of the city of Brooklyn by the commissioners appointed by an act passed April twenty-sixth, eighteen hundred and sixty-one, entitled "An act to amend an act to widen and improve Bushwick avenue and other streets in the city of Brooklyn," passed April fourteen, eighteen hundred and sixty, and as described in said act; except that said avenue from its southeasterly termination at the city line, to its intersection with Wall street shall be of the width of one hundred and twenty feet, instead of one hundred and forty feet, as laid down on the map of said commissioners; such reduction to be made equally on each side of said avenue; and except also that said avenue from North Second street, to its junction with Morrell street, at or near Remsen street, shall be widened and opened to the width of eighty feet, by adding thereto a strip of land, of sufficient width for that purpose on the easterly side thereof instead of the westerly side of said avenue. Twenty feet of each side of said avenue between Wall street and the city line, shall be set apart and used for court yards only.

§ 2. It shall be the duty of the common council of said city to cause application to be made to the supreme court of the second judicial district, at a general term thereof, for the appointment of three commissioners to ascertain the expense of widening and opening Bushwick avenue and Morrell street as aforesaid, including the making of said maps, and one-half the expenses heretofore incurred under said act, and the amount of damages sustained by, and compensation to be paid to, all persons whose property shall be taken or affected thereby. Such application shall be made upon such notice and in such manner as is now required by law for the appointment of commissioners in opening of streets in said city; and from and after the appointment of such commissioners, the laws now in force in relation to the opening of streets of the city of Brooklyn shall apply to the proceedings of the said commissioners, and to the widening and opening of the said avenue and street, to the regulating, grading and paving thereof, and to all powers, duties, rights and remedies touching the same on the part of the said commissioners and of the officers of said city, or

Appoint-
ment of
commis-
sioners.

Duties
thereof.

other public officers or of any other parties or persons in the same manner and to the same extent as if the avenue and street were widened and opened. In the absence of such laws, excepting, nevertheless, so far as the said laws are inconsistent with the subsequent provisions of this act.

Amount of
damages to
be a charge
on lands.

§ 3. The amount of such expenses and damages upon the confirmation of the report of the said commissioners, be a charge upon the lands lying within the district hereinafter mentioned, and shall be apportioned and assessed by the board of assessors of said city upon several lots, pieces or parcels of land in said district according to the benefit derived by each from the improvement. The board of assessors shall first designate the district of the said city, in their judgment benefited by the said widening, and give public notice thereof in the corporation newspapers of said city and of a newspaper less than thirty days after the first publication thereof, notice, when they will hear parties interested in the widening thereto and determine the said district. At the time so designated or as soon thereafter as practicable and convenient the said assessors shall reconsider the question of the limits of the said district; and may confirm or modify the same as they shall deem just and proper, and their decision then made shall be final and conclusive. No assessment for benefit for the said widening shall be made beyond the district so determined, upon the consideration.

Assessors
to report as-
sessments.

§ 4. The board of assessors shall make a report in writing of the assessments so made, in such form as the assessments for opening streets are usually made in said city, so far as the same is not inconsistent with the provisions of this act, and before proceeding to sign the same shall give thirty days' notice in the corporation newspapers, of the time and place when and where the parties interested in the widening shall be heard; and after hearing such parties as may appear before them, the board of assessors shall prepare and complete their report, making such corrections thereto as they may deem just and equitable, and sign the same, and thereupon the said report shall be final and conclusive upon all persons interested in, or affected by, the said assessment. The board of assessors shall c

to be filed in the office of the street commissioner of said city, and thereupon the said assessment chargeable upon the lands assessed, and shall, interest thereon, at the rate of six per cent per annum, be included in the annual taxes, and be levied on the lands respectively, and shall form a part of such taxes thereon, but shall be levied and collected in the same manner as that five per cent of the principal of said assessment and interest for one year, at the rate of six per cent per annum upon so much of the principal as remains unpaid, shall be levied and collected annually. The whole principal and interest shall be paid.

The expense of regulating, grading and paving Bushwick avenue and Morrell street shall be chargeable upon the lands fronting upon the same and extending one hundred feet back therefrom on each side of the street and street, and shall be levied upon the lands and collected in installments in the same manner as provided in the preceding section.

For the purpose of paying the cost of the said regulating and opening Bushwick avenue and Morrell street, the expense of regulating, grading and paving the same as in the first instance the Mayor, Comptroller or Board of the said city shall from time to time, as may be necessary, issue the bonds of said city to the amount necessary to pay the said cost, in like manner as the bonds of said city are issued, bearing interest at the rate of six per cent per annum, and the said bonds shall be called Bushwick avenue bonds.

The proceeds of the sale of said bonds shall be deposited in the city treasury, and shall be disbursed from the treasury as may be necessary for the objects herein provided for and for none others. The said bonds shall be issued in such manner as that five per cent of the cost of the improvement contemplated by this act shall become due in each and every year after the year one hundred and seventy. The board of supervisors of the county of Kings shall annually make provision by tax as hereinbefore mentioned for the payment of the principal interest on said bonds, and for the payment of the annual installment of the principal, as the same shall become due, levy the same by tax upon the lands and premises mentioned, in the same manner as now pro-

Report to
be filed.
Assess-
ments,
charge upon
lands.

Expense of
grading,
&c., of
avenue and
street, a
charge upon
certain
lands.

Bonds of
city may be
issued.

Application
of proceeds.

Payment
of bonds.

vided by law for the general expenses of the city, put in a separate column in the tax lists, and the amount so levied shall for all purposes be a part of the tax on said lands for the general expenses of the said city.

Repeal.

§ 8. So much of the act entitled "An act to amend an act to widen and improve Bushwick avenue and other streets in the city of Brooklyn," passed April fourteen, eighteen hundred and sixty, and of the act amendatory thereof, passed April twenty-sixth, eighteen hundred and sixty-one, as is inconsistent with this act, is hereby repealed.

§ 9. This act shall take effect immediately.

Chap. 229.

AN ACT for the relief of Henry H. Norman and E. Darwin Hewes, composing the firm of Norman and Hewes.

Passed April 25, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay, on the warrant of the auditor, out of any money appropriated to canal awards, two hundred and thirty-four dollars and twenty-seven cents, to Henry H. Norman and E. Darwin Hewes, composing the firm of Norman and Hewes, for the payment of interest, accruing at the rate of six per cent, on certain drafts, issued by the canal commissioners in the years eighteen hundred and fifty-two and eighteen hundred and fifty-three, to said firm of Norman and Hewes, on contract for Erie canal enlargement, section two hundred and fifty-six; provided, however, that said Norman and Hewes show, to the satisfaction of the auditor, that they are entitled to such interest, as owners of said drafts.

§ 2. This act shall take effect immediately.

Chap. 230.**AN ACT for the relief of John Hunter and Rachel Hunter.**

Passed April 25, 1863; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest of the people of this State, acquired by escheat on the death of William Hunter, late of the city of Troy, deceased, in and to the lands of which the said William Hunter died seized, situate on the south side of Liberty street, between Fourth and Hill streets in said city, is hereby released to and vested in John Hunter, the brother of said William.

§ 2. All the right, title and interest of the people of this State, acquired by escheat on the death of said William Hunter, in and to the lands of which the said William Hunter died seized, situate at the southeast corner of Hill and Liberty streets in said city of Troy, and at the northeast corner of Liberty and Fourth streets in said city, is hereby released to and vested in Rachel Hunter, the widow of the said William Hunter, deceased; providing the said Rachel Hunter shall release all her right of dower or other interest in and to the premises mentioned in the first section of this act.

§ 3. This act shall take effect immediately.

Chap. 231.**AN ACT relative to licenses in the city of New York.**

Passed April 25, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be a bureau in the finance department of the corporation of the city of New York for registering all licenses granted by or on behalf of said corporation, the collection of all fees due or payable for such licenses, and the supervision of the registration

of such licenses. The said bureau shall be charged with the duty of reporting to the police department the violations of the law of the State, or the ordinances of the city appertaining to such licenses, and such duties as the common council of said city shall from time to time, prescribe in relation to such regulations. The chief officer thereof shall be called the register of licenses, and shall receive an annual salary of two thousand and five hundred dollars per annum, to be paid by the corporation of said city, and shall hold his office for the term of four years.

§ 2. There shall be appointed in such bureau a register and such clerks as the duties prescribed for such bureau shall require, and as the common council of said city shall, by ordinance, provide. The compensation of said deputy and clerks shall be fixed by ordinance of said common council.

§ 3. This act shall take effect immediately.

Chap. 232.

AN ACT to incorporate the National Union
and Limb Insurance Company of New York.

Passed April 25

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. From and after the passage of this act, Simeon Draper, Daniel Young, Asahel Jones, John Glassey, Ignatius Flynn, Sylvester O. Post, Edward Derhill, Lewis F. Thomas, John Pyne, Horatio Wood, Thomas Stephens, James L. Smith, and such other persons who shall hereafter become stockholders in the company hereby incorporated, shall be a body politic, corporate, by the name of the "National Union and Limb Insurance Company" of New York.

Powers.

§ 2. In addition to the usual general powers of a corporation or body politic, the said corporation hereby created shall possess and have the power to make advances upon the lives and limbs and health of the soldiers, sailors and marines in the army and navy of the United States of America.

capital of said company shall be one hundred dollars, which shall be divided into shares of one dollar each. The capital stock shall be invested in real estate and mortgages on unincumbered real estate in the State of New York, worth double the amount of the cash, or in stocks or treasury notes of the State or of this State.

The principal office of said company shall be in the city of New York.

Within three months after this act shall be in force, the incorporators named in the first section of this act shall appoint a committee of not less than three nor more than five, of their own number, whose duty it shall be to look for subscription to the capital stock of the company organized under and by virtue of this act, and to give at least ten days' notice, in two daily newspapers printed in the city of New York, of the time when said books will be opened.

Every subscriber for said stock shall at the time of subscription pay to the committee, designated in the act, the sum of ten dollars on each share by him or her, and after the shares shall have been distributed, each stockholder shall pay the amount remaining due on the shares so allotted to him or her at such place and at such time or times as the said committee shall appoint, of which at least ten days' public notice shall be given. The shares of each stockholder shall be made up, and make such payment when so required as may be forfeited by the said board of directors.

The corporate powers of said company shall be exercised by a board of directors, consisting of thirty persons, a majority of whom shall be residents of the State of New York; they shall hold office for one year from the date of their election, or until their successors are appointed in the manner provided by this act; they shall elect a president and vice-president annually, a secretary, a treasurer, an attorney, a surveyor, and a general agent. A majority of the board of directors shall constitute a quorum for the transaction of business. The election for trustees shall be held annually at the office of the company. In the event of the death or resignation of any director, the directors may elect on any day on which said election

may be held, the directors then in office shall continue in office until the next annual election of directors. The board of directors shall have power to fill vacancies that may occur by the death or resignation of any of its members during the period for which they shall have been elected. The treasurer shall be required to give such bonds as the directors may require.

Meeting of
stockhold-
ers, to elect
directors.

§ 8. As soon as an amount not less than one hundred thousand dollars, shall have been subscribed to said stock and ten per centum of the same paid to the committee designated in the fifth section of this act, the said committee shall call a meeting of the stockholders for the purpose of electing directors for said company; at said election and at every election for directors of said company, each share of capital stock shall be entitled to one vote; at said election and at every election for directors of said company, the vote shall be by ballot, and at every such election, three inspectors for the next succeeding election of directors shall be elected at the same time and in the same manner; ten days' notice of the election of directors of said company shall be given in two daily papers published in the city of New York; the committee designated in the fifth section of this act, shall appoint three individuals as inspectors of the first election of directors of said company; the inspectors so designated shall hold said election and shall certify under their hands the names of the directors thus elected, notify the directors so elected of their election and of the time and place of holding the first meeting of said directors, at which meeting the said committee designated in the fifth section of this act shall deliver to the said directors the books of subscription to the stock of said company with the amount paid thereon, and all property of said company in their possession or under their control; and thereupon the control of said company shall be considered as transferred to and shall be exercised by the board of directors chosen in the manner in this section designated.

\$100,000 to
be deposit-
ed in insur-
ance de-
partment.

§ 9. The company organized under this act shall not commence business until they have deposited with the superintendent of the insurance department of this State, the sum of one hundred thousand dollars in United States or New York State stocks, in all cases to be, or to be

made to be, equal to a stock producing six per cent per annum, and not to be received at a rate above their par or current market value, or in bonds and mortgages on real estate within the State of the description mentioned in section third hereof. The superintendent of the insurance department shall hold such securities as security for policy holders in said company, but so long as said company remains solvent he shall permit said company to collect the interest or dividends on its securities so deposited with the said superintendent, and from time to time to withdraw any such securities, on depositing with said superintendent such other securities of like value as those withdrawn, and of the same character, and to be received as those above mentioned.

§ 10. The company organized in and by this act is hereby authorized to purchase, hold and convey such real estate as shall be requisite for its immediate accommodation in the transaction of its business, the value of which shall not exceed the sum of one hundred thousand dollars. In addition to real estate of the value of one hundred thousand dollars as above provided for, said company is also authorized to purchase, hold and convey such real estate as shall have been mortgaged to it in good faith, by way of security, for loans previously contracted or for money due; or such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or such as shall have been purchased by it at sales upon judgments, decrees or mortgages obtained or made for such debts.

May purchase and hold real estate and convey certain real estate.

§ 11. It shall be lawful for said company to invest its funds or accumulations in bonds and mortgages, on unincumbered real estate within the State of New York, worth double the amount loaned thereon, or in stocks of the United States or of this State, and to lend the same or any part thereof on the security of such bond and mortgages and upon the pledges of such stocks, provided that the current market value of such stocks shall be at least ten per cent more than the sum loaned thereon.

Investment of funds.

§ 12. It shall be lawful for any married woman, sister, brother, son or daughter, in their own name, or in the name of either of them, or in the name of any third person, with his assent, as his, her or their trustee, to cause to be insured for his, her or their sole use the life or limbs

Insurances regulated.

or health of his, her or their husband, father or brother, who may be or was at the time of such insurance in the service of the United States, in the army or navy or in the service for any definite period, or for the term of his life; and in case said wife, sister, brother or daughter should survive the said husband, father or brother, the sum, or net amount of the insurance becoming due, shall be payable by the terms of the insurance, shall be payable to said wife, sister, brother, son or daughter, to the use of his, her or their own use, free from the claims of the creditors or representatives of the said husband, father or brother; but such exemption shall not apply to the amount of premium annually paid out of the estate or property of the husband, father or brother shall exceed five hundred dollars. In case of the death of the wife, sister, brother, son or daughter before the death of the husband, father or brother, the amount of the insurance may be payable after death to his, her or their children, for their use, and to their guardian if none.

Annual
statements
to be made,
&c.

§ 13. The said company shall be deemed and taken to be a body corporate and politic, possessing all the powers of corporations, and subject to the provisions of chapter three hundred of the Laws of eighteen hundred and sixty-two, and the acts relating to life and fire insurance companies, of which the same is amended so far as the same is applicable thereto and not inconsistent with the other provisions of this act. The said company shall make annual statements of its condition and affairs, and shall be subject to the examination and report of the superintendent of the insurance department in the same manner and form as New York life insurance companies.

§ 14. This act shall take effect immediately.

Chap. 233.

To incorporate the Emigrant Savings Bank of Brooklyn.

Passed April 25, 1863.

People of the State of New York, represented in the Assembly, do enact as follows :

§ 1. Cornelius Dever, William Roberts, Jarvis Corporators
 Eck, John Fay, John Branique, Edward Burns,
 Roddy, W. M. McDermot, Eugene Sullivan,
 Ches. Edward Haney, Thomas McCartey, Clau-
 ley, Richard Ternan, Daniel McCabe, W. H.
 ward Hart, D. Byrne, John Leach, John Laugh-
 el Mead, Charles Franks, Arthur O'Brien, Ed-
 ke, James Harper, Andrew Dougherty, Patrick
 John Byrne and their successors, shall be and
 hereby constituted a body corporate and politic,
 me of "The Emigrant Savings Bank of Brook-
 by that name shall have perpetual succession,
 sue and be sued in any court whatever, and
 located in the city of Brooklyn.

§ 2. The real estate which it shall be lawful for the Real estate.
 ration to purchase, hold and convey, shall be :
 uch as may be requisite for its immediate
 ration for the convenient transaction of its

Such as shall have been mortgaged to it in
 for money loaned in pursuance of the provi-
 is act, and such as shall be embraced in mort-
 gaged to it as collateral or further security.

Such as has been purchased at sales upon judg-
 decrees, obtained or rendered for money so
 and the said corporation shall not purchase, hold
 real estate in any other case or for any other
 and all such real estate as is described in the
 third sub-divisions of this section shall be sold
 corporation within five years after the same shall
 vested in it by purchase or otherwise ; and the
 ration shall not, directly or indirectly, deal or
 buying or selling any goods, wares or commodi-
 ver, except in cases where it is authorized so

to do by the terms of this act, and except such property as may be requisite for suitable accommodation for the convenient transaction of its business.

Trustees
not to re-
ceive pay.

§ 3. The trustees of said corporation shall not receive any pay or emolument for their services.

Trustees.

§ 4. The business of said corporation shall be managed and directed by a board of trustees, who shall elect from their number a president and secretary, and such other officers as they may deem fit for the management of transacting the business of said corporation; a majority of said trustees, of whom the president or secretary shall be one, shall form a quorum for the transaction of business; but no order authorizing the investment of any moneys, or the sale or transfer of any securities belonging to the corporation or for the appointment of any officer or officers receiving any salary therefrom, without the vote of two-thirds of the trustees then present.

Vacancies.

§ 5. The persons named in the first section of this act shall be the first trustees of said corporation, and any vacancies caused by death, resignation or otherwise in said board of trustees, shall be filled by the board, or a majority of it by ballot, without unnecessary delay, at least a majority of the board of trustees shall be necessary for the election of any trustee. The said trustees shall hold regular meetings at such times and places as the board of trustees or a majority of them shall agree to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months consecutively, may thereupon, at the election of said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time, for due cause, remove any trustee upon proper notice to such trustee, and affording him a reasonable opportunity to be heard in his defense.

Removal of
trustees.

Depositors.

§ 6. The general business and object of the corporation hereby created shall be to receive on deposit such money as may be, from time to time, offered therefor by mechanics, farmers, tradesmen, clerks, merchants, laborers, minors and others, in such sums and on such terms as are allowed by this act, with power to

in the securities or stocks of this State, or of States, or in the stocks or bonds of any city to be issued by the legislature of this State, the same on securities of the said stock or bonds, on bonds secured by mortgages on unincumbered estate, worth at least double the amount thereby, or in such other manner as is authorized for the use, interest and advantage of said and their legal representatives. In all cases on real estate a sufficient bond or satisfactory security shall be required of the borrower, and of searches, examinations and certificates of drawing, perfecting and recording papers, and by such borrower, and the said corporation give as deposits, from the persons of the description mentioned, all sums of money which may be for the purpose of such deposit, not exceeding aggregate the sum of two thousand dollars from individual, but shall not be obliged to receive any less than one dollar, and not to exceed the sum of two thousand dollars from any one individual, which money shall, as soon as practicable, be invested as provided, and shall be repaid to such depositor required, at such times, and with such interest as such regulations, as the board of trustees shall, from time to time, prescribe, which regulations shall be in a public and conspicuous place in the room of business of said corporation shall be transacted by thereof be delivered to each of the depositors of said corporation, but such regulations shall not be so as to affect any deposit previously made, without the consent of the party or parties making such deposits. Certificates or other evidence of deposit, made by the officer of such corporation, shall be as binding on said corporation as if they were made under their common seal. It shall be the duty of the trustees of said corporation to regulate the rate of interest to be allowed to depositors, so that they shall receive, as nearly as practicable, a proportion of all the profits of said corporation after deducting all necessary expenses. No money deposited in said institution shall be invested in securities of stocks mentioned in this section, in violation of a vote of two-thirds of the trustees present

Loans.

Securities
upon loans.

Rate of interest.

Prohibition.

at a regular meeting; by the consent and approval of two-thirds of the trustees present at a regular meeting and not otherwise, amounts not exceeding ten thousand dollars to any one individual, may be loaned on any unencumbered productive real estate, worth, as least, the amount to be secured thereby.

Officers
may depo-
sit their
funds.

§ 7. The said trustees and officers are hereby permitted to make deposits of their individual funds in any corporation, upon the same terms and with the same rights as other depositors.

By-laws.

§ 8. The board of trustees of the said corporation shall have power, from time to time, to make, amend, alter, repeal, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of officers, for prescribing their respective functions and the mode of discharging the same, for the regulations of the times of meeting of the officers and trustees, and generally for transacting, managing and directing the business of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this State, or of the United States.

Officers to
give se-
curity.

§ 9. The subordinate officers and agents of the said corporation shall, respectively, give such security for their fidelity and good conduct as the board of trustees may from time to time require, and said board shall fix the salaries of such officers and agents.

Books open
for inspec-
tion.

§ 10. The books of said corporation shall, at all times during its hours of business, be open for inspection and examination to the superintendent of the bank of the State of this State, and such other persons as the superintendent or the said superintendent shall designate as proper for that purpose, and also to the board of trustees.

Deposit by
minors.

§ 11. Whenever any deposit shall be made by a minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sum or sums as may be due him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing or payment of the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the minor was of legal age, if such deposit was made personally by such minor, and when any deposit shall be made by any fe

hereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor as may be due to her, and her check, receipt, and receipt shall be a sufficient discharge to said corporation.

the misnomer of said corporation, in any instrument shall not vitiate or impair the same, if it be sufficiently indicated or described to ascertain the intention of the parties.

The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first Revised Statutes, so far as the same are applicable and not repugnant to this act; and also subject to the provisions and requirements of an act entitled "An act in relation to savings banks," passed March twenty-eight hundred and fifty-seven.

The board of trustees are hereby authorized to invest the surplus fund gradually and hold invested in like securities authorized by this act, a surplus fund not exceeding one-third on the amount of deposits in said bank remaining to the end, that in the case of a reduction in the market price of the securities or public stock held or owned by the said bank, or any of them, below the value thereof, any loss to the depositors by reason of such reduction, may be prevented or made good to them out of such surplus fund.

It shall be the duty of the trustees of said corporation to invest as soon as practicable in public stocks and securities, or in bonds and mortgages as provided in this act, all sums received by them beyond the available sum of not exceeding twenty per cent of the deposits, which they may keep to meet the current needs and expenses of said corporation, and which shall be kept on deposit, on interest or otherwise in such available form as the trustees may direct, and the available sum shall at no time exceed one-third of the aggregate amount of said deposits.

This act shall take effect immediately.

Misnomer.

Revised
Statutes
applied.

Investment
of surplus
fund.

Special
duty of
trustees.

Chap. 234.

AN ACT for the relief of Russel Martin and Theodore H. Luckey, assignees of a contract with William McArthur, for the repairs of section number three, Genesee Valley canal.

Passed April 25, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. If the canal board, upon investigation, shall find that Russel Martin and Theodore H. Luckey have furnished materials, and performed labor, in repairing section number three, Genesee Valley canal, contemplated at the time the contract was made, the canal board are hereby authorized and required to pay to the said Martin and Luckey, for the labor so done and materials furnished, such sum or sums as shall be just and equitable, but nothing by this act shall be construed to alter or change the terms and conditions of the contract.

§ 2. Such sum or sums of money as the canal board may award under this act, shall be paid by the treasurer on the warrant of the auditor of the canal department out of any money appropriated for canal repairs.

§ 3. This act shall take effect immediately.

Chap. 235.

AN ACT to prevent the city of Troy from accepting the dedication of certain streets, lanes or alleys heretofore made by Rand and Bourke.

Passed April 27, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

The dedication of certain streets, &c., not to be accepted.

SECTION 1. It shall not be lawful for the city of Troy or any of its officers now or hereafter to accept or execute the dedication heretofore made of any streets, lanes or alleys or upon the following described lands, to wit : A certain lot, piece or parcel of land, situate, lying and

sixth ward of the city of Troy, and bounded by the northerly line of Barclay street, otherwise known as the street, east by lands of the Troy and Greenoad association, south by the Wynantskill and west by the Hudson river as designated and shown on a map thereof, made for Boutwell and L. D. Eddy, in eighteen hundred and fifty-five, and filed in the office of the Rensselaer county clerk upon any part thereof. But this act shall not be construed to prohibit the said city or its officers from closing and opening according to the provisions of the charter of the said city, of any street, lane or alley or tract of land aforesaid.

Proviso.

The passage of this act shall not affect the private interests of the city of Troy in the premises in which the same is mentioned, and shall not be construed in any wise affecting, abridging or impairing the private rights, powers, privilege and franchises of the municipal corporation of the city of Troy, or of the council of said city; but the same, and each and every one of the same shall forever remain intact, and in full effect in the same manner as though this act had never been passed, everything herein contained to the contrary notwithstanding, except as declared in section one of this act; nor shall this act affect any private interests.

Certain
proprietary
interests
not affected
by this act.

This act shall take effect immediately.

Chap. 236.

to encourage and facilitate the construction of a railroad along the valley of the upper Hudson into the wilderness in the northern part of the State, and the development of the resources thereof.

On April 27, 1863; three-fifths being present.

The people of the State of New York, represented in the Assembly, do enact as follows:

§ 1. Albert N. Cheney may associate with him any number of persons, and make and file articles of incorporation as prescribed by the act entitled "An act to

Corporators

authorize the formation of railroad corporations regulate the same," passed April second, eighteen hundred and fifty, for the purpose of constructing and operating a railroad from some point in the county of Otsego up and along the valley of the upper Hudson to the wilderness in the northern part of this State, when so organized such corporation shall have the rights and privileges given by said act and the acts amending the same, and be subject to the provisions of said act except so far as the same are inconsistent with the provisions of this act.

May hold
lands.

§ 2. The said corporation, when so formed, may purchase, take and hold lands to the amount of one hundred acres of lands in said wilderness in addition to the lands which it shall be authorized to take under the provisions of the said act, passed April second, eighteen hundred and fifty, and the acts amending the same; and of said lands shall be free and exempt from all taxes until the twelfth day of September, eighteen hundred and eighty-three; but such exemption shall not extend or apply to the road bed or track of said corporation to lands occupied or used for structures necessary to the working of its road, nor to any lands after the same shall be sold, or contracted to be sold by said corporation.

§ 3. The said corporation shall report annually, on the first Monday of January, to the State Engineer and Surveyor, the quantity of lands sold by it, with a description thereof and the names of the grantees of said lands.

§ 4. The said corporation, when so formed, shall be authorized during the period of its charter to cut and prepare for market the natural products of the forest and to mine and prepare for market the iron and other ores and minerals upon its lands, and to transport and dispose of the same.

§ 5. Unless said corporation shall construct and operate at least twenty-five miles of its road by the first day of December, eighteen hundred and sixty-eight, and thirty-five additional miles of its road by the first day of December, eighteen hundred and sixty-nine, and twenty-five additional miles of its road by the first day of December, eighteen hundred and sixty-eight, the exemptions from taxation shall cease, and said corporation shall not be entitled to said exemptions, unless

first day of January, eighteen hundred and it shall deposit with the Comptroller of this is name of office, a State of New York or tes stock, bearing at least five per cent inte- amount of twenty thousand dollars at par, to security for the taxes on the lands aforesaid year eighteen hundred and sixty-three to undred and sixty-eight inclusive, in case said shall not construct and put in operation the its road in this section mentioned, but in case ns of said road shall be so constructed and put n as before mentioned, the said stock shall be ed to said company, and the said company t shall be made in the conditions aforesaid, uthorized to collect and receive the interest from time to time become payable on the said ansterred to the Comptroller as aforesaid, and mptroller shall give to the said company the uthority to receive such interest. But nothing ontained shall be construed to make the State ay any county, town, school or highway tax f said lands hereby exempted from taxation.

evidence of the construction and operation road mentioned in the fifth section of this act, e affidavit of the president, vice-president or eer of said corporation, which shall be filed in f the State Engineer and Surveyor not more ys after the time limited for such construc-

Evidence of
construc-
tion and
operation
of road.

said corporation shall not be required to road and put it in operation, except as men- e fifth section of this act, before the first day eighteen hundred and seventy.
act shall take effect immediately.

When to be
finished.

Chap. 237.

AN ACT for the relief of Frederick Bronson
 Frederick Bronson, administrator of
 Bronson, deceased, Nathaniel P. Hosack,
 and E. Hosack, James H. Brooks and
 William B. Shepherd.

Passed April 27, 1863; three-fifths being pre-

The People of the State of New York, represented by the
Senate and Assembly, do enact as follows:

SECTION 1. Frederick Bronson, and Frederick
 son, administrator of Arthur Bronson, deceased,
 thaniel P. Hosack, Alexander E. Hosack, Jam
 Brooks and William B. Shepherd, are hereby autho
 and permitted to file their several claims for da
 alleged to have been sustained by them, by reason
 construction of the Genesee Valley canal through
 owned by them in the village and town of Olean,
 York.

§ 2. This act shall take effect immediately.

Chap. 238.

AN ACT to amend an act entitled "An
 amend an act entitled 'An act to provide f
 organization and government of the police
 of the city of Albany,'" passed April
 eighteen hundred and sixty.

Passed April 27, 1863; three-fifths being pre-

The People of the State of New York, represented by the
Senate and Assembly, do enact as follows:

SECTION 1. Section four of the act entitled "
 to amend an act entitled 'An act to amend an
 titled an act to provide for the organization an
 ernment of the police force of the city of Alb
 passed April sixth, eighteen hundred and sixty, is
 amended so as to read as follows:

§ 4. Each and every member of every engine
 and hook and ladder company shall be entitled to

Qualifica-
 tion of vo-
 ters.

or special election, who shall have been duly confirmed by the common council, on the application of the board of engineers, and been at least sixty days previous to such election (and have paid his dues and fines to the company of which he is a member, in conformity with the constitution of such company); but it is hereby especially enacted, to entitle the member to vote, the common council he is attached shall have paid its dues to the rated fire department; and, in case of a compliance with this provision, the members of the company shall be debarred the privilege of voting at such election. Hereafter all persons proposed for admission to the fire department, and whose names have been transmitted to the board of engineers for consideration, shall, before any action shall be taken by the board of engineers, pay to the chief engineer, for the benefit of the incorporated fire department, the sum of one dollar.

Section five of said law is hereby amended so as to read as follows:

The returns of the election thus held shall be taken on oath, as above prescribed, and filed with the clerk of the common council, within three days after the election; and the said common council, at its first meeting after said election, or at a special meeting for that purpose, shall proceed to canvass said returns, and the persons receiving a plurality of the votes shall be declared duly elected chief engineer and assistant engineers for the terms hereinafter provided. It is further provided that any person attached to the fire department, whose duty it may be to make and swear the oath, who shall be guilty of making false returns, shall be subject to the penalty now prescribed for the crime of perjury; and it is also further enacted that any officer or officers, whose duty it may be to receive said returns, who shall neglect or refuse to do so pursuant to the requirements of this act, or whose neglect or refusal, forfeit the offices they hold, and shall be ineligible to re-election.

Section nine of said law is hereby amended so as to read as follows:

Returns of
election and
canvass
thereof.

Removal of
chief or
assistant
engineers.

In the case of the refusal or neglect of the chief engineer, or either of the assistant engineers, to perform any of the official duties imposed upon them respectively by this act, the common council shall have power to remove said chief or assistants, by a vote of two-thirds of all the members of said common council present, such removal to take place only upon the petition of one-third of the delegates elected to the incorporated fire department, communicated to said council.

§ 4. Section eighteen of said act is hereby amended so as to read as follows :

Pay of chief
engineer,
and assis-
tant engi-
neers.

§ 18. The chamberlain of said city of Albany, on behalf of the common council thereof, shall pay to the said chief engineer, provided, in the opinion of the said common council, he devote his whole time and attention to the performance of his official duties, the sum of one thousand five hundred dollars per year, in equal quarterly installments; and the said chamberlain shall pay to each of said assistant engineers the sum of one hundred and fifty dollars at the end of every six months, from and after the passage of this act. And it is also hereby further provided, that the common council shall have the power at any time to increase the salary of the chief engineer to a sum not exceeding eighteen hundred dollars per annum, payable as above provided.

Pay of
chief engi-
neer may
be increas-
ed.

§ 5. This act shall take effect immediately.

• Chap. 239.

AN ACT to protect the harbors and frontiers of the State of New York against invasion, and to provide for their defense.

Passed April 27, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

One million
appropriat-
ed.

SECTION 1. The sum of one million of dollars or so much of that amount as may be necessary, is hereby appropriated for the purposes specified in this act.

Commis-
sioners.

§ 2. The Governor, the Comptroller and Edwin D. Morgan, are hereby appointed commissioners for the pur-

poses contemplated in this act, and are authorized and directed to purchase cannon, provide submarine batteries, iron-clad steamers, and take such other measures as may be deemed necessary for the protection of the harbors and frontiers of this State.

§ 3. The Comptroller is hereby authorized and directed for carrying into effect the provisions of this act to borrow on the credit of the State, from time to time as may be required, such sums of money as may be necessary, not exceeding in all one million of dollars at a rate of interest not exceeding six per cent. payable semi-annually on the first day of July and January in each year, the principal to be repaid within twenty years from the first day of January, eighteen hundred and sixty-four, at the discretion of the commissioners of the canal fund, or to be payable, in whole or in part whenever funds may be available for that purpose, and the Comptroller is hereby authorized and required to issue transferable certificates, in such amounts as he may deem proper.

Money may be borrowed at, not exceeding six per cent interest.

Certificates may be issued.

§ 4. This act shall take effect immediately.

Chap. 240.

AN ACT in relation to the taxation of moneyed corporations and associations.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All banks, banking associations and other moneyed corporations and associations shall be liable to taxation on a valuation equal to the amount of their capital stock paid in or secured to be paid in, and their surplus earnings (less ten per cent of such surplus) in the manner now provided by law deducting the value of the real estate held by any such corporation or association and taxable as real estate.

§ 2. This act shall take effect immediately.

Chap. 241.

AN ACT to amend the banking laws of this State.

Passed April 29, 1863; three-fifths being passed.

The People of the State of New-York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this act, all securities hereafter to be deposited with the superintendent of the banking department for notes for circulation to be issued to any corporation or joint stock company for banking purposes, or individual banker, on the stocks of this State and of the United States, in the following proportions, that is to say, not to exceed one-third per centum in United States stocks, and not more than one-third per centum in stocks of this State, and the stocks to be equal to or be made equal to stock on which interest at the rate of six per centum per annum, and the securities now held by the bank department, so far as the same consist of United States stocks and bonds of this State, may be adjusted on the application of any party concerned, so as to be in accordance with the provisions of this section.

§ 2. This act shall take effect immediately.

Chap. 242.

AN ACT to amend an act entitled "An act to provide for the incorporation of fire insurance companies," passed June twenty-fifth, eighteen hundred and fifty-three.

Passed April 29,

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. The eighth section of the act entitled "An act to provide for the incorporation of fire insurance companies," passed June twenty-fifth, eighteen hundred and fifty-three, is hereby amended so as to read as follows:

shall be lawful for any fire insurance company under this act, or incorporated under any law of this State, to invest its capital or the funds accumulated in the course of its business, or any part thereof, in mortgages on unincumbered real estate within this State, worth fifty per cent more than loaned thereon, exclusive of buildings, unless the buildings are insured and the policy transferred to the company; and also in the stocks of this State or the treasury notes of the United States, and to lend money or any part thereof, on the security of such stocks, bonds, or notes or upon bonds and mortgages on real estate, and to change and reinvest the same as occasions from time to time require; but any surplus over and above the capital stock of any such fire insurance or navigation insurance companies, or of any other companies incorporated under any law of this State, may be invested in or loaned upon the pledge of the public stock of any one of the loyal States of the United States; or the stocks, bonds, or other evidences of indebtedness, of any of the incorporated cities of this State, authorized to be issued by the legislature, or of any other institution located in this State, incorporated under the laws of this State or of the United States, provided always, that the current market value of such stocks, bonds, or other evidences of indebtedness shall be not less than ten per cent more than the sum so loaned.

May invest
its capital
in bonds
and mort-
gages on
real estate.

Also in
state or
United
States
stocks, or
treasury
notes.

Investment
of surplus
over capital
stock.

Provided.

This act shall take effect immediately.

Chap. 243.

to confirm the proceedings of the annual meeting of the inhabitants of the town of Chateaugay, in the county of Franklin.

April 29, 1833; three-fifths being present.

People of the State of New York, represented in Assembly, do enact as follows:

1. The resolution adopted at the annual town meeting of the town of Chateaugay, in the county of Franklin, held on the third day of February, eighteen

hundred and sixty-three, authorizing a tax of one hundred and eighty dollars upon the taxable property of said town for the purpose of improvements upon the old burying ground owned by said town, as expressed in such resolutions, is hereby authorized and declared to be legal and effective, and it shall be the duty of the board of supervisors of said county of Franklin to add the amount of said tax to the other taxes to be levied and collected upon the taxable property of the said town of Chateaugay, in the present year.

§ 2. This act shall take effect immediately.

Chap. 244.

AN ACT to amend section seventeen of article two of title three of chapter one of part four of the Revised Statutes, entitled "Of Burglary."

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen of article two of title three of chapter one of part four of the Revised Statutes, is hereby amended so as to read as follows:

§ 17. Every person who shall be convicted of breaking and entering, in the day or in the night time:

1. Any building within the curtilage of a dwelling house, but not forming a part thereof; or,

2. Any shop, store, booth, tent, warehouse or other building, or any railroad car, ship, vessel or canal boat, in which any goods, merchandise or valuable thing shall be kept for use, sale, deposit or transportation, with intent to steal therein, or to commit any felony, shall, upon conviction, be adjudged guilty of burglary in the third degree.

§ 2. This act shall take effect immediately.

Chap. 245.

AN ACT to amend an act entitled "An act to revise the charter of the city of Buffalo and to enlarge its boundaries," passed April 13th, 1853, and the several acts amendatory thereof.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The third section of the first title of an act entitled "An act to revise the charter of the city of Buffalo and to enlarge its boundaries," passed April the thirteenth, eighteen hundred and fifty-three, is hereby amended in regard to the description of the first and third wards, so as to read as follows :

FIRST WARD. All that part of the city of Buffalo included within the bounds of said city, as incorporated and bounded by an act passed April twentieth, eighteen hundred and thirty-two, and which lies southerly of a line beginning at the intersection of the original eastern bounds of said city, within the centre of Porter street; running thence westerly, and along the centre of Porter street to the centre of Hamburg street; thence southerly along the centre of Hamburg street to the south bounds of the Main and Hamburg street canal; thence westerly along the south bounds of said canal to the centre of Chicago street; thence northerly along the centre of Chicago street to the centre of Exchange street; thence westerly along the centre of Exchange street to the centre of Main street; thence southerly along the centre of Main street to the centre of Buffalo creek; thence westerly along the centre of said creek to its mouth; and thence due west to the west bounds of the State, shall be denominated the first ward.

Boundaries
of 1st ward.

THIRD WARD. All that part of the city bounded northerly by the centre of Eagle street; easterly by the Buffalo creek reservation tract; southerly by a line extending through the centre of Porter street from the Buffalo creek reservation tract to the centre of Hamburg street; thence southerly along the centre of Hamburg

Do. of 3d
ward.

street to the south bounds of the Main and Hamburg street canal; thence extending westerly along the south bounds of said canal to the centre of Chicago street, and bounded westerly by the second ward, shall be denominated the third ward.

§ 2. The thirteenth section of title two of the said act is hereby amended so as to read as follows:

Terms of
city offices.

§ 13. The term of office of the mayor, comptroller, city attorney, street commissioner, city treasurer, receiver of taxes, city surveyor, superintendent of schools, overseer of the poor, and aldermen, shall be two years; that of the justice of the superior court eight years, and the police justice four years; and that of the city assessors, three years; and that of all other officers elected under or by virtue of the provisions of this act, shall be one year, and until their respective successors shall enter upon their respective duties of office, unless otherwise herein provided. All officers appointed under this act, unless sooner removed or disqualified, or unless the office shall be discontinued, or unless herein otherwise provided, shall hold office until the first Monday of January next after their appointment, and until their successors shall enter upon their respective duties. And for the purposes of this act, the clerks in the several departments of the city government shall be regarded as officers. Officers elected to fill vacancies shall enter upon the duties of their office upon taking the oath of office, and upon the approval of the security, if any, required under the provisions of this act.

§ 3. The twenty-first section of title two of the said act is hereby amended so as to read as follows:

Appoint-
ment of cer-
tain city
officers.

§ 21. The common council may, also, at any time, appoint an auditor, with whom the comptroller and city clerk may be associated, and also appoint, upon the nominations of the city clerk, the comptroller, the street commissioner, the receiver of taxes, the treasurer, the surveyor, and the overseer of the poor, respectively, one deputy clerk of the city, one deputy comptroller, one or more clerks to the comptroller, one or more clerks to the city clerk, one or more clerks to the treasurer, one or more clerks to the street commissioner, one or more clerks to the receiver of taxes, one clerk to the surveyor, and one or more clerks to the overseer of the poor, who shall

be removable at the pleasure of the common council or of the respective officers by whom respectively they were nominated, and for whose official acts or omissions their respective principals and their sureties shall be liable on their official bonds.

§ 4. The twenty-second section of title two of the said act is hereby amended so as to read as follows:

§ 22. The comptroller, city attorney, street commissioner, city treasurer, receiver of taxes, superintendent of schools, police justices, chief of police, the several justices of the peace elected in and for the said city, clerks of the markets, overseers of the poor, and such other officers as may be thereto required by the common council, shall severally execute and file with the city clerk a bond to the city of Buffalo, in such sum as shall be fixed by the common council, and with such sureties as the common council or mayor shall approve, conditioned for the faithful performance of the duties of their respective offices, and for accounting for and payment over of all moneys belonging to said city and properly payable into the treasury thereof, received by them respectively, by virtue of their respective offices.

Certain officers to give bond.

§ 5. The twenty-third section of title two of said act is hereby amended so as to read as follows:

§ 23. On the first Monday of January, in the year one thousand eight hundred and sixty-four, or as soon as practicable thereafter, and on the first Monday of January of every second year after said last named day or as soon thereafter as practicable, the common council shall appoint by ballot a chief engineer and two assistant engineers of the fire department, who shall hold their offices for two years from the first Monday of January in the year of their appointment, and until their respective successors shall be appointed, unless they shall be sooner removed, or unless the offices respectively held by them shall be abolished; and the said chief engineer and assistants shall receive such compensation for their services as the common council shall prescribe, which shall not be changed during the term for which they were appointed. The chief engineer in all cases of fire shall have sole control over all the members of the fire department, and over all the engines and apparatus belonging thereto, and shall perform such other duties as the common council shall by

Chief engineer and assistant engineers to be appointed.

ordinances from time to time prescribe. The engineers shall be numbered and designated numbers, and shall perform such duties as the council shall from time to time, by ordinance, prescribe. The chief engineer and assistant engineers appointed by the common council, and now appointed, shall continue and remain in the discharge of the duties as the same are or may be prescribed, until the appointment of a chief engineer and assistants by virtue of the provisions hereof.

§ 6. The twenty-sixth section of title two of chapter two of the laws of 1882 is hereby amended so as to read as follows :

Constable
to give
bond.

§ 26. Every person elected to the office of constable in said city shall, before he enters upon the duties of his office, with two or more sureties to be approved by the common council or by the mayor, execute and deliver, before some officer authorized to take the acknowledgment of deeds, an instrument in writing, by which such constable and sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all sums of money which said constable may become liable to pay on account of any judgment or process for the collection of money which may be delivered to him, or which he may be liable to pay on account of any property which he may have sold and converted without due and proper authority. The city clerk shall file it, and a copy thereof certified by the mayor under the city seal, shall be presumptive evidence in all courts of the execution thereof by such constable and his sureties. All actions on any such judgment shall be prosecuted within two years after the expiration of the year for which the constable there elected shall have been elected.

Same to be
filed.

Prosecu-
tions there-
on.

§ 7. The first paragraph of the ninth section of title two of said act is hereby amended so as to read as follows :

Authority
of common
council.

§ 9. The common council shall have the management and control of the finances, and of all the property, real and personal, belonging to the city; and shall have power within such city, from time to time, to make such ordinances and regulations as are not inconsistent with the laws of the State, and which they shall deem expedient for the good government of the city, the preservation of peace and good order, and the sup-

erein, and the benefit of the trade, commerce thereof; and such other ordinances and regulations may be necessary to carry into effect the power said council by this act; and for these purposes particularly authorized to enact ordinances. The twelfth section of title three of said act is amended so as to read as follows:

The printing for the city of Buffalo and for all the acts thereof, except the publishing of the proceedings of the common council, and all other matters of city law, and the ordinances of said city, to be printed in the official paper, and including blanks unbound, shall hereafter be done as follows: The comptroller and treasurer shall, on or before the first day in December in each year, give at least ten copies in two daily newspapers published in said city, of which shall be the official paper, that they have sealed proposals for all printing to be done the next year, except as above provided, for one year, to be printed in the same style of execution as to type and binding as the best heretofore furnished; at the expiration of which time they shall publicly open said proposals and enter into contract with such person or persons who shall make the lowest offer or bid to do the printing; but no such offer or bid shall be received or considered unless accompanied by a bond or more sureties, to be approved by the mayor, and that the bidder or bidders will, if his or their bid is accepted, enter into a contract with the city according to the terms thereof, and give the security as provided, and the person or persons with whom the contract shall be made shall, at the time of the execution thereof, give security in a bond to the city, to the satisfaction of the mayor, comptroller and treasurer, for the faithful performance of his or their contract, which contract shall continue in force for one year, or until the first of January thereafter. As soon as after the commencement of each year, the common council shall, by a majority of all the members designate a daily public newspaper published in the official paper of said city, to continue such until otherwise designated; and shall cause to be published all ordinances, notices and other matters required

Proposals
for city
printing, to
be published.

by law, and the ordinances of said city to be published ; for which publication there shall be allowed an amount not exceeding one-half the rates allowed by law for the publication of legal notices. When a newspaper shall be so designated, the publication of all such matters as shall have been commenced in the paper that shall be superseded, shall continue to be published therein until completed, notwithstanding such change, with the same force and effect as if no such change had been made.

§ 9. The seventeenth section of title three of said act is hereby amended so as to read as follows :

Commissioners of deeds and notaries public.

§ 17. The acts now in force concerning the limitation of the number and the appointment of commissioners of deeds and notaries public, in and for said city of Buffalo, by the common council, shall continue in full force, and the aldermen of said city, the comptroller, city clerk, auditor, treasurer, receiver of taxes, street commissioner, assessor, city surveyor, city attorney, superintendent of schools, and their respective deputies, where a deputy is designated, shall, by virtue of their office, respectively, be, *ex officio*, commissioners of deeds of the city, with the same powers as all commissioners of deeds appointed in and for said city ; and in taking acknowledgments and affidavits pertaining to their respective departments, they shall not exact or receive a fee therefor.

§ 10. The thirteenth section of title four of said act is hereby amended so as to read as follows :

Duty of city attorney, and his salary.

§ 13. It shall be the duty of the city attorney to perform all the duties pertaining to his office, under the direction of the common council, and he shall receive an annual salary of not less than twelve hundred dollars. He may appoint one or more assistants, who shall have power to perform any of the duties required by law to be performed by the city attorney, under his direction, and for whose official acts or omissions he and his sureties shall be liable on their official bonds ; such assistants shall be paid out of the city treasury, for their services, a sum not to exceed in the aggregate six hundred and fifty dollars in any one year, which sum shall be deemed to embrace all sums for clerk hire in the office or department of such city attorney.

§ 11. The first section of title five of said act is hereby amended so as to read as follows :

§ 1. The common council shall audit and allow all accounts chargeable against the city; but no unliquidated account, or claim, or contract, shall be received for audit or allowance unless so made out as to specify, if for services, the nature of the services, the time when and the place where, by whom, and under whose direction rendered; if for merchandise or other articles, the items, date of sale or delivery, where and to whom delivered, and by whom purchased; and if for labor performed or articles furnished upon special contract, such account or claim shall specify, in addition, the names of parties to and date of contract; nor unless it be accompanied with an affidavit of the person rendering it, that the services, disbursements or property therein charged have been actually performed, made or delivered for the city; that the items and specifications therein are correct; that the sums charged therefor are reasonable and just, and that no set-off exists, nor payment has been made on account thereof, except such as are included and referred to in such account or claim. It shall be a sufficient bar and answer to any action or proceeding in any court for the collection of any demand or claim, either upon contract express or implied, or for a tort or injury of any description, that such demand or claim has never been presented to the council for audit and allowance; or if on a contract, express or implied, that it was presented without being thus specifically made out, or without said affidavit, and rejected for either of said reasons; or that the action or proceeding was brought before the common council had reasonable time to investigate and pass upon it.

Auditing
accounts.

§ 12. The twenty-first section of title five of said act is hereby amended so as to read as follows:

§ 21. At any time after nine months, and within three years after the sale of any parcel of land for any tax, and not after three years, except as herein otherwise provided; for all tax sales made subsequent to the year eighteen hundred and sixty, the purchaser, his representatives or assigns may give notice to the owner, requiring him to redeem the same in three months thereafter, by making payment above required. If such owner be a resident of the city the notice shall be served on him personally or by leaving the same at his residence or place of business,

Regulations
as to re-
demption of
lands from
sales.

with a person of suitable age and discretion ; if he be not a resident of the city it shall be personally served on his registered agent, if he have one ; if he have no such agent, then by properly enfolding and inclosing the same in an envelope directed to the place of residence of such owner, and, after prepaying the postage thereon, depositing the same in the post office at said city of Buffalo. If the place of residence of such owner be not known and cannot be ascertained, then by publishing said notice for three days in the official paper of the city, a copy of which paper containing such notice, marked so as to call attention thereto, mailed to such owner directed to his last reputed residence, and also by serving a copy of said notice on the person in possession, if any ; if the owner shall not redeem the land in three months after any such service or first publication of such notice, or before a declaration of sale is granted, his right of redemption will be divested ; and on affidavit of any such service or publication and of the facts authorizing the service by publication taken before an officer authorized to take affidavits to be read in courts of record and filed in the office of the comptroller, shall be presumptive evidence of the facts therein contained ; and such notice shall in all cases be served by some person other than the *bona fide* owner of such certificate of sale ; but in case the notice be not given as and within the time prescribed in this section, the certificate of sale, unless the same shall have been paid to and shall be owned and held by the city, shall cease to be a lien upon the land sold ; and all certificates of sale for lands sold since the year eighteen hundred and sixty, except certificates of sale issued to and owned and held by the city, shall be deemed as having been redeemed, paid and settled, and the lands therein described shall be discharged from such sale and canceled of record by the comptroller, unless application shall have been made to the common council for a declaration of sale, and action taken or commenced by the common council on such application within five years from the date of the certificate of sale. The above provision of this section limiting the time within which the purchasers of lands at tax sales may give notice to the owners to redeem, shall not apply to lands purchased by the city of Buffalo at such sales, where certificates of sale shall have

been issued to and shall be held by said city ; but as to such lands the city of Buffalo as purchaser may give the notice to redeem prescribed by this title, and in the manner therein provided, at any time before payment of the tax or assessment, for the non-payment of which such land shall have been sold.

§ 13. Title fourth of the revised charter of the city of Buffalo is hereby amended by adding the following section :

§ 23. The salary of the captains of police and the policemen of the city of Buffalo, may, by a vote of two-thirds of all the members elected to the common council, be paid at the rate of six hundred dollars for the captains of police, and five hundred dollars for policemen per annum for the year eighteen hundred and sixty-three, subject to be fixed thereafter as provided in the thirty-first section of the fourth title of the act hereby amended.

Salaries of
captains of
police and
policemen.

§ 14. The seventeenth section of title eight of said act is hereby amended so as to read as follows :

§ 17. The council upon the confirmation of any report of commissioners, shall direct the just compensation of the owner or owners, or any person or corporations interested in the property as ascertained by the report, together with the costs and the expense of the ascertainment, to be assessed upon the land benefited by the taking of the property, and the assessment shall be made as in other cases. In case the whole or any part of any such assessment shall remain unpaid for a longer period than one year after the confirmation of the said report, the common council may borrow from any moneys in the city treasury belonging to the general fund, such sum as may be necessary to pay the amount due on the awards specified in the said report, said fund to be reimbursed from the proceeds of said assessment when realized. But at any time before the city shall have entered upon any land taken for any improvement by virtue of the provisions of this title, the common council, by resolution, may, with the consent in writing of two-thirds in value of the owners of the land so taken, and by a vote of two-thirds of all the members elected to such common council, annul any report of commissioners awarding compensation for such land, and rescind and annul all its proceedings for, or relative to, the taking of such

Assessment
upon lands
benefited,
and pro-
ceedings
thereon.

land ; and from and after such rescinding and a the report of the commissioners and the award tained therein, and all the proceedings of the council for, or relative to, the taking of such land null and void. A copy of the resolution so annull rescinding such report and proceedings shall b with annexed to, and shall form part of the reco tioned in section sixteen of this title.

§ 15. The twenty-fifth section of title eight act is hereby amended so as to read as follows :

Bridges,
reservoirs,
&c., to be
constructed
and kept in
repair.

§ 25. The common council may construct, re maintain bridges, reservoirs and public pumps a at the expense of the city, or assess the expense or such portion of the expense thereof as they sh equitable on the land benefited thereby. In cas total or partial destruction of, or injury to any b or along any public street or highway in said city the passage along the said street or highway obstructed or prevented, and when, in the opinio common council, the public convenience shall rec immediate reconstruction or repair of any such b said common council may, by a vote of two-thir the members elected, order the construction or r such bridge, and may cause the same to be recon and repaired before ordering an assessment to de expenses thereof, and in case of the reconstru repair of any such bridge the common council m the expense thereof, or such part thereof as it sh equitable, to be assessed upon the real estate benefited thereby; such assessment shall be mad same manner, and with the like effect as oth assessments made under the provisions of this a the provisions of sections thirty-one and thirty- this title shall not apply to any such reconstru repair when so ordered by the common council.

Office of
marshal
abolished,
on 1st Mon-
day in Janu-
ary, 1864.

§ 16. The office of fire marshal in the city of from and after the first Monday of January, in t one thousand eight hundred and sixty-four, is abolished, and from and after that day, all the now conferred by law upon such fire marshal possessed and exercised by the chief engineer of department of said city, subject to such regulati

as the common council of said city shall by
prescribe.
his act shall take effect immediately.

Chap. 246.

in relation to the acknowledgment of
of the execution of instruments in writing
sons in foreign countries, and to the ad-
ring of oaths to them.

Passed April 29, 1863.

*People of the State of New York, represented in
Assembly, do enact as follows :*

1. The acknowledgment or proof of any deed
written instrument, required to be proven or
ged in order to entitle the same to be recorded
evidence in this State, by any person being
ign country, may be made before any vice-con-
mercial agent of the United States government,
any foreign port or country, and when certifi-
n, under his seal of office or under the seal of
ate to which he is attached, to have been made
by the party executing the same, and that the
is known or proven to him to be the same
o is described in and who executed the same,
s valid and effectual as if taken before one of
s of the supreme court of the State.

acts of vice-consuls or commercial agents of
d States government, in taking the acknowl-
r proof of deeds, mortgages, or other instru-
ating to real estate, hitherto performed, are
nfirmed, provided that the certificate thereof is
n required by the Statutes of this State.

every person who in foreign countries is autho-
aw to take and certify the acknowledgment
of deeds, shall also have power to administer
affirmations to be read in evidence, and used
the courts of this State, or otherwise.
his act shall take effect immediately.

Chap. 247.

AN ACT for the relief of George D.

Passed April 29, 1863; three-fifths being passed.

The People of the State of New York, represented by the
Senate and Assembly, do enact as follows:

SECTION 1. The canal board are hereby authorized and required to hear and determine the claim of George D. Lord, assignee of the contract for keeping in repair section number two of the Genesee Valley canal, made with John Lambert, and dated March fifteenth, one thousand eight hundred and sixty-one, for the expenses incurred in repairing a break on said section of said canal, which occurred in September, eighteen hundred and sixty-two, and shall allow the said Lord, first, one-half of the cost and expenses of repairing said break, over and above the sum of four thousand dollars, together with the cost of any work on the same which, by the terms of said contract, the State is bound to pay; and secondly, an additional sum as shall be fair and equitable, in consideration of the extraordinary and unprecedented circumstances which caused the said break and the unusual expenses of the case.

§ 2. The Treasurer shall pay, on the warrant of the Auditor of the canal department, such sum or sums as may be allowed or awarded under this act out of the moneys appropriated or to be appropriated for canal repairs.

§ 3. This act shall take effect immediately.

Chap. 248.

AN ACT to incorporate the German American School Society, of the Nineteenth Ward, of the city of New York.

Passed April 29,

The People of the State of New York, represented by the
Senate and Assembly, do enact as follows:

SECTION 1. Theodor Vogel, Jacob Rathgeb, John Kussling, John Hch. Meyer, August Kune,

Christian Eberspacher, Anton Heim, William Georg Manz, Lorenz Favorat, Louis Nicolai, Jacob Ahles, John Kuntke, Andreas Rauch and successors, are hereby constituted to incorporate under the name of the "German School Society, of the nineteenth Ward, in the City of New York," to be located in said city, having for the establishment of a German American school for the education of children of both sexes, and for the promotion of science in general, with power to take, hold, and devise (subject to the restrictions imposed by law), or otherwise, and to hold, transfer, mortgage, or convey such real and personal estate as shall be necessary for the purposes of the corporation, not exceeding in amount one hundred thousand dollars. The said corporation shall have power to prescribe the rules and orders for its general government, for the admission and expulsion of members, for the election, term of office, number and duties of its officers, and for the management of its affairs; such rules and orders shall be approved and to be subject to modification at any time by the superintendent of public instruction within three months after the passage of this act.

The control and disposal of the funds, property and real estate of the said corporation, shall be vested in a board of not less than thirteen, nor more than twenty members, of which the president, one vice-president, one secretary, two secretaries, and one treasurer shall be members, all of whom shall be elected annually, at the same time and in the manner which may be provided for, by the constitution of the said corporation, and shall hold their offices until their successors shall be elected; and no member shall receive any compensation for his services.

Odor Vogel, Jacob Rathgeber, Peter Kussling, William Meyer, August Kune, William Bornemann, Christian Eberspacher, Anton Heim, William Lindemann, Lorenz Favorat, Louis Nicolai, Louis Saal, John Kuntke, Andreas Rauch, named in the first section of this act, shall be the first board of directors of the corporation hereby created, until the first annual meeting shall be held.

The said institution shall have the general powers and

be subject to the liabilities of a corporation under the Revised Statutes.

§ 6. This act shall take effect immediately.

Chap. 249.

AN ACT to authorize the Avon, Genesee and Mount Morris Railroad Company to increase their rate of fare.

Passed April 29, 1863.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. The Avon, Genesee and Mount Morris Railroad Company are hereby authorized and empowered to charge at the rate of four cents per mile for every passenger traveling over said road in the city of New York.

§ 2. This act shall take effect immediately.

Chap. 250.

AN ACT to incorporate Empire Hook and Ladder Company Number One, of Upper New York.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented by the Senate and Assembly do enact as follows:

SECTION 1. Daniel M. Clark, Charles A. Robert Hart, Garret Sarvent, John E. Kipp, William Rose, Thomas F. Tasman, James P. Voris, Samuel Lor, William H. Kipp, David Oliver, Henry J. Daniel Perry, Abram Manford, John F. Gurdal, William H. Tremper, George W. Baker, James Tunis S. Kent, Henry Palmer, William H. Pease, Rose, James E. Gesner, Barney Cain, Thomas John S. Cain, Franklin Baker, Michael Larkin, and their successors, are hereby constituted a body corporate under the name and inscription of "Empire Hook and Ladder Company Number One, of Upper New York," and by that name they and their successors may and shall have perpetual succession, and shall be capable in law of purchasing and holding real and personal estate.

and conveying real and personal estate, necessary use as a hook and ladder company, to the amount of one thousand dollars; also by their corporate name shall be persons in law capable of suing and being sued; pleading and being impleaded; answering and being answered unto; defending and being defended, in all courts and places whatsoever, in all manner of suits, complaints, matters and causes whatever. The said corporation shall have full power to from time to time, shall think proper, as to their time, place and manner of electing them, the term of their continuance in office, their removal for cause, their powers, and as to the election of members, their removal, and the government of the persons appointed by them as firemen, and with respect to those for which this corporation is constituted. The said corporation shall have full power and authority to nominate and appoint a sufficient number of men, not exceeding fifty, to have the care and management of working and using the apparatus, and all the persons belonging to said corporation, who shall be called upon all times to assist in the extinguishment of fires, to perform all the duties which may be required of them by the regulations of said company, and in case of the death of any member or members of said company, to elect others in their place.

Chap. 251.

AN ACT to enlarge the powers of the trustees of the village of Geneseo, respecting highways.

Enacted April 29, 1863; three-fifths being present.

People of the State of New York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Geneseo shall be commissioners of highways, and are vested with, and authorized to exercise and perform within the limits of the corporation, the same rights, powers and duties now possessed and exercised by the commissioners of highways of the several towns, and they may

Trustees to
act as com-
missioners
of high-
ways.

provide for the construction of crosswalks and the raising, grading, leveling, paving, repairing, macadamizing and cleaning any street or alley in the corporation, and, in their discretion, they may expend a sum, not exceeding three hundred dollars in any one year, in repairing and improving roads in the town of Geneseo, leading to or from said village, and without the bounds of said corporation.

Provisions
as to streets
and cross-
walks and
expense
thereof.

§ 2. The expenses of constructing crosswalks, and of working, paving, repairing, improving and cleaning the streets, shall be denominated the street expenses, and shall be provided for as follows:

First. Within twenty days after the passage of this act, and thereafter within sixty days after the annual election of officers of the corporation, in each year, the trustees shall ascertain, estimate and assess the amount of such street expenses for the ensuing year, which shall be at least equal to the value of an assessment of three days' labor on each taxable inhabitant of the corporation, reckoning the value of each day's labor at sixty cents.

Second. Every male inhabitant of the corporation, above the age of twenty-one years (except idiots and lunatics), shall be assessed sixty cents.

Third. The assessors shall apportion and assess the residue of said street expenses upon the estates, real and personal, of the inhabitants of the corporation, companies, banking associations, private bankers and non-resident owners of property therein, as the same shall appear from the last assessment roll of the corporation.

Fourth. The assessors shall make a list of all the inhabitants of the corporation who are by this act made liable to assessments for such street expenses, and non-resident owners of property in the corporation, and shall place opposite the name of each person contained in said list the sum assessed against such person, and the sum assessed upon his estate, real and personal, and shall deliver such list to the trustees, certified and signed by a majority of the assessors.

Fifth. The trustees shall annex to such list a warrant, signed by a majority of them, and then deliver the same to the collector, who shall thereupon proceed to collect the several sums specified therein in the same manner as

other taxes of the corporation are collected, and shall pay such moneys into the treasury within such time as shall be prescribed in the said warrant.

Sixth. The same remedies may be pursued for the collection of the moneys directed by this section to be assessed against such persons as shall neglect or refuse to pay the amount assessed against them, respectively, as are provided by law for the collection of other taxes in said village.

§ 3. The office of overseer of highways, and also all assessments of highway labor within the limits of the corporation, except as provided by this act, are hereby abolished.

Office of
overseer
and certain
assessments
abolished.

§ 4. The working, paving, curbing, repairing, improving and cleaning the streets and alleys, and construction of crosswalks in said village, shall be performed under the superintendence of a street commissioner, to be appointed by the trustees, and who shall execute a bond for the faithful performance of his trust, to be approved by the said trustees. The said street commissioner shall hold his office during the pleasure of the trustees, and be subject to their direction in the discharge of his official duties, and no account for expenditures on the streets shall be paid until the same shall be duly audited and allowed by the trustees, and a warrant or order drawn therefor on the treasurer, signed by the clerk and countersigned by the president of the board of trustees.

Street com-
missioner.

§ 5. The trustees shall make an annual statement of all receipts and expenditures on account of the streets, to be verified by the oath of the president, in the same manner as directed in section thirty-eight of the "Act to condense and amend the several acts relating to the village of Geneseo," passed May the thirteenth, eighteen hundred and forty-five.

Trustees to
report.

§ 6. The word streets, as used in this act, shall be deemed to comprehend all parks, public squares, highways, streets, alleys and lanes within the limits of said corporation.

§ 7. This act shall take effect immediately.

Chap. 252.**AN ACT in relation to the Gowanda School.**

Passed April 29, 1863 ; three-fifths being p

*The People of the State of New York, repre
Senate and Assembly, do enact as follows :*

SECTION 1. The Gowanda Union school, in G
in this State, shall participate in the distributio
income of the literature fund, upon the same t
conditions as the Union free schools, by virtue of
four hundred and thirty-three, Laws of eighteen
and fifty-three.

§ 2. Said school district, at any lawful meeting
by a vote of the majority of those present and
shall have power to raise by tax, on the taxable
of said district, a sum not exceeding two hun
fifty dollars, annually, to be collected as other
said district are collected, for the purchase of gl
all other philosophical apparatus necessary t
said district to comply with the rules and regul
the regents of the university.

§ 3. This act shall take effect immediately.

Chap. 253.**AN ACT to amend an act entitled "An
the collection of taxes in the towns of
Morrisania and West Farms, in the county of
Westchester," passed April 21st, 1862.**

Passed April 29, 1863 ; three-fifths being p

*The People of the State of New York, repre
Senate and Assembly, do enact as follows :*

SECTION 1. Section first of the act entitled
for the collection of taxes in the towns of Morris
West Farms, in the county of Westchester,
April the twenty-first, eighteen hundred and si
is hereby amended so as to read as follows :

owns of Morrisania and West Farms, in the Tax district of Westchester, are hereby respectively constituted a tax district, to be known by the name of the "Morrisania tax district" and the "West Farms tax district;" and the office of receiver of taxes for each of said districts is hereby created and established, and the term of office of the receiver of taxes for each of said districts shall be two years, to commence on the first of December next succeeding the general election at which said receiver of taxes of West Farms shall be elected.

Section two of said act is hereby amended so as to read as follows:

Receiver of taxes for each of said districts shall be elected at each alternate general election, except when there is a vacancy in the office, when he shall be elected at a general election next succeeding the occurrence of such vacancy; provided, however, that the board of the town composing each of said tax districts shall appoint a suitable person to discharge the duties of receiver during such vacancy, and until another person is duly elected as above provided, and shall have authority to do so.

Each of such receivers of taxes shall be elected by the voters of the town composing his district, and shall be voted for on a separate ballot in the same manner as a member of assembly is voted for in said towns; and the inspectors of election in the several election districts of said towns of Morrisania and West Farms, respectively, shall make return of the votes given for each receiver of taxes, one copy of each return to be placed in the hands of the supervisor of the town in which the district is located, and the original return to be placed in the office of the town clerk of said town. The county canvassers shall canvass the vote given for each receiver of taxes and determine the result and issue a certificate of election to the person who shall have received the greatest number of votes, the same as is done in the case of county officers.

Section three of said act is hereby amended so as to read as follows:

Each of said receivers of taxes, after having received a certificate of election, and before entering upon the duties of his office, shall take and subscribe the usual bond.

Receiver to take oath and give bond.

§ 8. The eighth section of said act is hereby amended so as to read as follows:

Application of percentage to payment of salaries.

The percentage on taxes paid to and collected by the receiver of taxes shall be applied to the salary of the said receivers, and said salary is hereby fixed at a sum of one thousand dollars per annum, for the receiver of taxes for the town of Morrisania, and at the sum of seven hundred dollars per annum for the town of Farms. The amount of percentage on taxes received by each of said receivers of taxes, exceeding that sum, shall be paid to the supervisor of the town composing the district for which each of said receivers is elected. If the said percentage shall not amount in the aggregate to the sums respectively named in each district for said year, then the deficiency shall be assessed upon the property in the town composing the district for which each of said receivers of taxes is elected, and collected with the succeeding year's taxes, and applied on the payment of the deficiency of said salary.

§ 9. The tenth section of the said act is hereby amended so as to read as follows:

Warrants issued to receivers.

It shall be the duty of the board of supervisors of the county, and of the board of trustees of the school district or districts in the towns of Morrisania and West Morrisania, to issue their warrant to each of said receivers of taxes in the same manner as warrants are now required to be issued to town and school tax collectors. The duty of said receivers of taxes is hereby directed and required to be performed on or before the first day of April, in each and every year, to pay over to the treasurer of the county any moneys remaining in his hands and payable to the said treasurer, and to the treasurer of the board of trustees of the district or districts any moneys remaining in his hands payable to said school trustees, and to make a proper return of all taxes remaining uncollected in each tax district for which he is elected; and the treasurer of the county, and the board of trustees of said school district or districts, upon receiving the moneys, with a proper return of uncollected taxes, as aforesaid, shall cancel and discharge the bond of each of said receivers of taxes.

Payments to treasurer

§ 10. The eleventh section of said act is hereby amended so as to read as follows:

urer of the county, except such moneys as may be paid by law to be paid to the town officers of the district for which he is elected, which moneys said receivers of taxes shall pay to the town officers respectively entitled to receive the same. Such books, and all the books in the offices of such receivers of taxes, shall be public records, and open at all times to the inspection and examination of the public. The receiver shall also make a statement and pay over, as often as once each week, to the party or parties in the school district or districts in his town authorized by law to receive the same, the moneys paid to him for taxes in said districts.

The sixth section of said act is hereby amended to read as follows:

On all taxes paid after the delivery of said tax rolls to the receiver of taxes, or either of them, and before the expiration of thirty days thereafter, one per cent shall be added to the same and collected; and upon all taxes paid after that time, and before the expiration of thirty days, two per cent shall be added to the same; and upon all taxes thereafter paid, five per cent shall be added and collected.

The seventh section of said act is hereby amended to read as follows:

At the expiration of ninety days from the delivery of said tax rolls to the said receivers of taxes, the taxes remaining unpaid shall be collected from the persons and places from whom they are due, and shall be collected in the manner following, to wit: Each of said receivers of taxes shall issue warrants directed to any justice or constables of the town composing the district in which he is elected, and the said constable or constables shall thereupon proceed forthwith to collect the same by distress, in the same manner as town collectors are authorized by law to do, and the taxes so collected shall be paid by said constable or constables to the receiver of taxes issuing such warrants, immediately after they shall have been collected. Constables in such cases shall be entitled to receive the same fees as are by law allowed them in a levy and sale under execution for the collection of a judgment for debt, such fees to be paid out of the taxes.

Per centage
to be added
to tax.

Manner of
collecting
unpaid
taxes.

§ 8. The eighth section of said act is hereby amended so as to read as follows:

Applica-
tion of per-
centage to
payment of
salaries.

The percentage on taxes paid to and collected by the receiver of taxes shall be applied to the salary of the said receivers, and said salary is hereby fixed at a sum of one thousand dollars per annum, for the receiver of taxes for the town of Morrisania, and at the sum of seven hundred dollars per annum for the town of Morris Farms. The amount of percentage on taxes received by each of said receivers of taxes, exceeding that sum, shall be paid to the supervisor of the town composing the district for which each of said receivers is elected. The said percentage shall not amount in the aggregate to the sums respectively named in each district for said salaries; then the deficiency shall be assessed upon the taxable property in the town composing the district for which each of said receivers of taxes is elected, and collected with the succeeding year's taxes, and applied on the payment of the deficiency of said salary.

§ 9. The tenth section of the said act is hereby amended so as to read as follows:

Warrants
issued to re-
ceivers.

It shall be the duty of the board of supervisors of the county, and of the board of trustees of the school district or districts in the towns of Morrisania and West Morris to issue their warrant to each of said receivers of taxes in the same manner as warrants are now required to be issued to town and school tax collectors. For the said receivers of taxes is hereby directed and required to pay over or before the first day of April, in each and every year, to the treasurer of the county any moneys remaining in his hands and payable to the said treasurer, and to the treasurer of the board of trustees of the district or districts any moneys remaining in his hands payable to said school trustees, and to make a proper return of all taxes remaining uncollected in each tax district for which he is elected; and the treasurer of the county, and the board of trustees of said school district or districts, upon receiving the moneys, with a proper return of uncollected taxes, as aforesaid, shall cancel and discharge the bond of each of said receivers of taxes.

Payments
to treasurer

§ 10. The eleventh section of said act is hereby amended so as to read as follows:

per expenses incurred by each of said receivers by and with the consent of the supervisors of active towns, for office rent, fuel and stationery, discharge of the duties of said office, shall be audited by the board of town auditors of the town committee district for which each of said receivers is and be assessed upon and paid by said town.

Expenses of receivers to be audited by town auditors.

The receiver of taxes elected under the said act at the next general election shall continue to hold his office until the first day of December, eighteen hundred and twenty-four; but on and after the first day of December, eighteen hundred and sixty-three, he shall exercise the duties of his office only in and for the tax district located in the town of Morrisania. At the next general election held after the passage of this act, there shall be a receiver in the manner prescribed by this act, a receiver for the tax district comprised in the town of Morrisania, for the period of two years from the first day of December, eighteen hundred and sixty-three.

Term of office of receivers.

It shall be deemed a misdemeanor for any party to obstruct the receiver of taxes, or his publicly authorized duty, to receive or sign a receipt for any taxes due to said receiver, or to interfere in any way with the lawful and authorized mode of securing the payment of taxes herein provided for.

Misdemeanor.

It shall be the duty of the receiver of taxes to give public notice by advertisement, in not more than two newspapers published in the city of New York, and one newspaper published in the town of Morrisania, each week for six weeks, that he has received the assessment rolls for the school and general taxes, and that payment of the taxes of non-residents will only be made by him at his office in the said town, between the first and last day of the month of January, as provided for by this act.

Notice by receiver of receipt of assessment rolls.

This act shall take effect immediately.

Chap. 254.

AN ACT to amend chapter one hundred and six of the Laws of eighteen hundred and sixty-three, entitled "An act to limit the compensation of the members of the boards of supervisors of the counties of Monroe and Niagara."

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. Section first of chapter one hundred and six of the Laws of eighteen hundred and sixty-three, entitled "An act to limit the compensation of the members of the boards of supervisors of the counties of Monroe and Niagara," passed April first, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

§ 1. No member of the board of supervisors of the county of Monroe, shall hereafter be entitled to receive compensation for attendance at any of its meetings, session or sessions of said board, held to be held, any number of days exceeding thirty aggregate during any one year,

§ 2. This act shall take effect immediately.

Chap. 255.

AN ACT to authorize the commissioners of the ways of the town of Waterford, in the county of Saratoga, to appoint overseers of highways in said town.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. Instead of the mode now authorized by law, of electing overseers of highways in the town of Waterford in the county of Saratoga, the commissioners of highways, or a majority of them, shall within thirty days succeeding each annual town meeting,

able person in each road district in said town,
of highways in said district.

e persons so appointed shall be overseers of
for the ensuing year, and shall have all the
d be subject to the same responsibilities as
rs now are by law.

e commissioners or a majority of them, shall
er at any time to fill any vacancies that may
leath or otherwise, in the office of overseers of
in any district in said town.

is act shall take effect immediately.

Chap. 256.

authorizing the overseers of the poor of
wn of Wilmington, in Essex county, to
r money on the faith and credit of said

d April 29, 1863 ; three-fifths being present.

*people of the State of New York, represented in
Assembly, do enact as follows :*

1. The overseers of the poor of the town of
on, in Essex county, are hereby authorized to
e sum of three hundred dollars on the faith and
said town, for the support of the poor, for the
ne year, at a rate of interest not exceeding six
and to execute a proper certificate of indebted-
for, and said sum of three hundred dollars shall
against said town, to be audited and paid with
the same manner as other town charges are
ed and paid.

is act shall take effect immediately.

Chap. 257.

AN ACT in relation to draining certain low situate in the towns of Blooming Grove and Chester, in the county of Orange.

Passed April 29, 1863; three-fifths being pre

*The People of the State of New York, represente
Senate and Assembly, do enact as follows:*

Three com-
missioners
to be ap-
pointed.

SECTION 1. The supreme court shall appoint commissioners, residents and freeholders of the town of Chester, in the county of Orange, for the purpose of draining the meadows and low lands situate in said town and embraced within the following boundaries, to wit: on the east and south by the Newburgh branch of the railroad, extending from the depot at Craigville, in the town of Blooming Grove, to the depot at Chester, in the town of Chester, and by the Warwick Valley road, extending from said last mentioned depot to the high lands belonging to Abraham Demarest; and on the north and west by the high lands adjoining and bordering said meadow and low lands to the said depot at Craigville, the place of beginning.

Oath of
office.

§ 2. The said commissioners shall, before the expiration of the term for which they are appointed, take upon the duties of their office under this act, the prescribed constitutional oath of office, and shall proceed to perform the same as soon as may be, to the performance of their duties under the same.

Supplying
vacancies.

§ 3. In case either of the persons appointed under the first section of this act shall refuse or be unable to perform upon the duties of the said office, the owners of the meadows or wet lands aforesaid, or any five of them, may present their petition, duly certified by one or more of them, to the county judge, or special county judge of the county of Orange, setting forth the facts, and praying for the appointment of some competent person to fill such vacancy; and the judge or special judge, upon the presentation of such petition shall be presented, shall by instrument under his hand and seal make such appointment, which shall be duly filed in the office of the clerk of the county of Orange; and any vacancy which shall at any

occur in said commission may be filled in like

id commissioners shall have power to employ
r, and to cause a survey and map of the lands
to be made, if they shall deem the same neces-
the said commissioners, their agents or em-
may, from time to time, enter upon the lands
for the purpose of executing the work pro-
and contemplated under this act.

Appoint-
ment of sur-
veyor.

shall be the duty of said commissioners to cause
through said low lands and meadows, such
lateral ditches, and to cause to be opened such
lateral ditches and creeks as have already been
st, as in their judgment, they may deem neces-
ne effectual drainage of the lands aforesaid;
shall have power to determine the size and
such main and lateral ditches, the descent of
n, and the slope of the sides of the same, and
er matters appertaining to the construction of
es.

Duty of
commis-
sioners.

shall be the duty of the said commissioners,
enty days after the passage of this act, at three
t public places in the town of Chester, and in
ous place at the depot at Craigville, in the
looming Grove, to put up written or printed
igned by them, stating the time and place in
wn of Chester, when and where the owners of
ows or low lands will meet for the purpose of
g the amount of tax to be assessed upon the
he said commissioners, and to be expended by
aining the same.

Levying
of tax.

shall be the duty of the said commissioners to
e time and place named in the said notice, and
the votes of each and every person owning
f said meadows or low lands, and the majority
ners voting shall determine by such vote the
tax to be assessed on such lands for the pur-
said, but such tax shall in no case exceed the
e dollar per acre.

Amount de-
termined
by vote of
owners of
land.

ch commissioners shall forthwith after such
ake and sign a certificate of the proceedings
e, which certificate shall contain the names of
s voting at such meeting, and the amount of

Certificate
of proceed-
ings.

money voted to be raised, and file a copy of the same in the office of the town clerk of the said town of Chester.

Assessment
of amount
voted.

§ 9. Said commissioners shall apportion and assess the sum, so voted to be raised, upon the owners or occupants of the lands aforesaid, within twenty days after such meeting, according to the number of acres owned or occupied by them, and shall within the same time make and file such apportionment and assessment in the office of the town clerk of the town of Chester.

Notice of
time and
place for re-
ceiving pay-
ment of
taxes.

§ 10. The said commissioners shall, within ten days after filing the assessment as directed in the last section, put up, or cause to be put up, in three of the most public places in the said town of Chester, notices stating the time and place when and where they or one of them will receive payment of the taxes so assessed; such notices shall be so put up at least eight days before the day appointed, and it shall be the duty of the said commissioners, or of the one named in such notice, to attend at such time and place to receive such payment.

When war-
rant to is-
sue.

§ 11. In case any person shall neglect or refuse to pay his or her tax, at the time and place so fixed, the said commissioners shall make out their warrant, directed to any constable of the county of Orange, directing the collection of the taxes unpaid in the same manner as warrants issued for the collection of taxes by the board of supervisors of said county, and the constable executing such warrant shall be entitled to the same fees and collect them in the same manner as town collectors.

Execution
thereof.

§ 12. It shall be the duty of the constable receiving such warrant to execute the same as therein directed, and to pay all moneys collected by him on the same to the commissioners or one of them, within three days after the collection thereof.

Election of
commis-
sioners.

§ 13. The commissioners named in the first section of this act shall continue in office until the first Monday of March, eighteen hundred and sixty-four, or until their successors shall be elected; and it shall be their duty to put up public notices, as hereinbefore directed, stating the time and place where the owners of said lands will meet to elect their successors; such notices shall be put up at least ten days before the day named for such election, and ten days previous to the said first day of March; and it shall be the duty of said commissioners to attend,

at the time and place mentioned in such notices, and render a written statement to the owners of said lands, attending such election, of all moneys received by them for taxes under this act, and the manner of their expenditure; and the owners of said lands shall at the same time elect, by a majority of the votes cast by them, commissioners for the year then next ensuing, and on the next and each succeeding first Monday of March the commissioners shall meet, after giving notice as aforesaid, and render their account, and their successors be elected as aforesaid.

§ 14. The commissioners named in the first section of this act, and their successors in office, shall be entitled to one dollar and twenty-five cents per day for every day actually engaged in the performance of their duties under this act, and to retain the same out of the taxes collected by them; but before retaining the same, they shall respectively make an affidavit, stating the number of days during which they were actually employed, and file the same in the town clerk's office of the town of Chester aforesaid.

Pay of commissioners.

§ 15. In case the said commissioners shall determine that any of the lateral or cross ditches in said meadows already ought to be opened at the sole expense of the owner or owners thereof, they shall serve a written notice on such owner or owners, directing him or them to clean out the same within such time as such commissioners shall deem proper, which notice shall contain a description of the manner and depth which they require the work to be done; if any owner or owners shall neglect to do such work as required by such notice, it shall be the duty of said commissioners to cause the same to be done, and to issue their warrant for the collection of the expenses incurred in doing the same, to be collected of the goods and chattels of the delinquent owner or owners, as directed in section eleven of this act.

When lateral ditches to be opened at expense of owner of land.

§ 16. The act entitled "An act to raise the sum of one hundred and fifty pounds, on the lands therein mentioned, for the use of clearing and opening the creek commonly called Crommelines creek, and for other purposes," passed March twenty-four, seventeen hundred and seventy-two, and an act entitled "An act for raising two hundred pounds, by assessment on Greycourt mea-

Repeal.

dows, in Orange county, for more effectually drain said meadows," passed March thirty-first, seven hundred and ninety, are hereby repealed.

Chap. 258.

AN ACT to amend an act entitled "An act to consolidate and amend an act entitled 'An act to incorporate the village of Clinton April twelfth, eighteen hundred and forty-three and the various acts amendatory thereof,' passed March 25, 1852.

Passed April 29, 1863; three-fifths being

The People of the State of New York, represented by Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen, subdivision five of an act entitled, "An act to consolidate and amend an act entitled 'An act to incorporate the village of Clinton April twelfth, eighteen hundred and forty-three and the various acts amendatory thereof,' passed March 25, 1852," passed March 25, 1852, is hereby amended so as to read as follows:

To purchase hooks, ladders and buckets for the use of said corporation, and to determine who shall furnish the same for the use of said corporation, and also to organize the same under good and efficient organization a fire department.

§ 2. Section thirteen, subdivision six of an act entitled, "An act to consolidate and amend an act entitled 'An act to incorporate the village of Clinton April twelfth, eighteen hundred and forty-three and the various acts amendatory thereof,' passed March 25, 1852," passed March 25, 1852, is hereby amended so as to read as follows:

To restrain and prevent and suppress billiard and bagatelle tables kept for public use, and all disorderly and gaming houses, and all instrumentalities and places for gaming.

§ 3. This act shall take effect immediately.

Chap. 259.

To increase the number of members of Board of Education of school district number in the town of Greenburgh, in the county of Westchester.

April 29, 1863; three-fifths being present.

People of the State of New York, represented in Assembly, do enact as follows :

1. The inhabitants of school district number in the town of Greenburgh, in the county of Westchester, who shall be lawfully entitled to vote at the district meetings of said district, are hereby required, at their next annual school district meeting, to increase the number of trustees or members of the board of said school district, to five, which number henceforth possess all the powers and be subject to the duties and liabilities of the present number of trustees or members of such board. This act shall take effect immediately.

Chap. 260.

In relation to the Lyons Union School in the town of Lyons, Wayne county.

April 29, 1863; three-fifths being present.

People of the State of New York, represented in Assembly, do enact as follows :

SECTION ONE. The board of education of the village of Lyons shall not hereafter collect or receive any fees or contributions for the instruction in the school under the said board, of pupils whose parents or guardians reside within the territory embraced in school district number six in Lyons, known as "The Lyons Union School." The charges for tuition of all other pupils admitted to said school shall be regulated by said board from time to time, as they shall deem proper.

Any sums necessary for the payment of teachers' salaries or for applying to that purpose any moneys or

income in the hands or under the control of a person, shall be levied and collected on the taxable property of said district as other taxes required by law to be levied and collected.

§ 3. Section sixteen of chapter one hundred and nine of the Session Laws of eighteen hundred and six is hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 261.

AN ACT to incorporate the Saint Mary's Academy and Industrial Female School of Buffalo.

Passed April 29, 1887.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators

SECTION 1. Pauline de Goisbriand, Victorine Boucher, Ernestine Nardin, Eliza Smyth, Agnes Margaret Laurent and Catherine Morgan, and their associates, are hereby created a body corporate by the name of the Saint Mary's Academy and Industrial School of Buffalo; the object of the said corporation shall be to establish, conduct and maintain in the city of Buffalo a seminary of learning for the education of young women and an industrial female school, and shall have perpetual succession, with power to sue and be sued, to make and use a common seal and to alter the same at pleasure.

Trustees.

§ 2. The estate, property, effects and concerns of the said corporation shall be managed by a board of trustees, who shall be annually elected by the members of said corporation in such manner as shall be provided by the by-laws thereof; the persons named in the first section of this act shall be the first trustees of the said corporation, and shall hold their offices for one year, and until others shall be elected in their stead.

May hold
real and
personal es-
tate.

§ 3. The corporation hereby created shall have power to purchase, take by devise, subject to the restrictions imposed by law, and hold, mortgage, sell and otherwise dispose of any real or personal estate, and the annual income of which shall not exceed five thou-

shall possess the general powers and privileges of incorporation under the Revised Statutes.

The said academy and school shall be subject at all times to the inspection and visitation of the common council of the city of Buffalo, or any committee of its council which the said council may appoint. This act shall take effect immediately.

Subject to
visitation of
common
council.

Chap. 262.

To authorize the Plattsburgh Gas Light Company to borrow money for the payment of its debts.

April 29, 1863; three-fifths being present.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

§ 1. The Plattsburgh Gas Light Company, for the purpose of paying the liabilities of the company, are authorized to borrow not exceeding two thousand dollars to secure the repayment of the same and the interest thereon, by the bond or bonds of the company, with a mortgage upon the property, real and personal, and franchises of the company, and which bond or bonds and mortgages, when executed by the said company, by its president and secretary, and sealed with the seal of the company, they being first authorized by a majority vote of the directors of the company, shall be in all respects valid and binding instruments notwithstanding any Statutes to the contrary notwithstanding.

Chap. 263.

To amend the charter of the village of Wolcott.

April 29, 1863; three-fifths being present.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

§ 1. The electors of the village of Wolcott, in the county of Wayne, shall in each year hereafter, at the

annual election for choosing corporation officers for said village, elect one street commissioner instead of three, as now provided by law, who, when elected, shall have all the powers and perform all the duties now imposed upon the street commissioners of said village.

Chap. 264.

AN ACT authorizing the President, Directors and Company of the Albany and Schenectady Turnpike Company to abandon part of their road.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The president, directors and company of the Albany and Schenectady turnpike are hereby authorized to abandon that part of their present road which lies westerly from the easterly range of Veeder avenue in the city of Schenectady, by resolution, of which a copy shall be filed in the office of the clerk of the city and county of Schenectady; and the part so abandoned shall from thenceforth be no part of said turnpike.

§ 2. This act shall take effect immediately.

Chap. 265.

AN ACT to confirm and legalize certain acts of the "Weedsport Rural Cemetery Association," in the county of Cayuga.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The election of trustees of "Weedsport Rural Cemetery Association," held September twenty-first, eighteen hundred and sixty-two, be and hereby is declared valid and binding in all respects, as if the same had been held on the first Monday of June, eighteen hundred and sixty-one, or the first Monday of June, eighteen

hundred and sixty-two, and the trustees then elected are hereby declared to be the trustees of said association, as if they had been elected on said days above mentioned.

§ 2. All the official acts and proceedings of the officers of the said "Weedsport Rural Cemetery Association," be and the same are in all things confirmed and hereby declared to be valid and in full force and effect.

§ 3. This act shall take effect immediately.

Chap. 266.

AN ACT to amend an act entitled "An act in relation to the salary of the keeper of the common jail of the city and county of Albany," passed April thirteenth, eighteen hundred and sixty

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act in relation to the salary of the keeper of the common jail of the city and county of Albany," passed April thirteenth, eighteen hundred and sixty, is hereby amended by striking out the words "seven hundred" in sixth line of said section, and inserting in lieu thereof the words nine hundred.

§ 2. Section two of said act is hereby amended by adding the word "three" at the end of said section.

§ 3. This act shall take effect immediately.

Chap. 267.

AN ACT to enable the trustees of the village of Yonkers to raise money for the expense of grading and extending of Warburton avenue from Dock street to Main street, and building bridges therein, and for the expenses of constructing curbs and gutters in said extension, and for the expenses of constructing a sewer, culverts and basins connected therewith.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees to
make as-
sessment.

SECTION 1. The board of trustees of the village of Yonkers, is hereby authorized to cause a just assessment or apportionment to be made among and upon the several parcels of land lying within the limits of said village, in that district as, under the authority of this act, the board shall designate for that purpose, of the sum of one thousand six hundred and fifty-five dollars and six cents, being the amount of the expenses heretofore incurred by said village in grading the extension of Warburton avenue from Dock street to Main street, in building bridges therein, and making the curbs and gutters, which were rendered necessary by said grading and bridging, and in constructing the sewer, culverts and basins, which were constructed in the year eighteen hundred and sixty-one, by or for said village, across Dock street from the south bank of the Nepperhan, to connect with the gutters of Riverdale avenue and Main street. The expense heretofore incurred in constructing said sewer, culverts and basins, may be, at the option of the said board, assessed upon the whole lands in said district, or separately upon such part or parts of said district as the said board may designate for that purpose, and the expense of grading the said extension and building bridges therein may, in like manner, at the option of the said board, be assessed separately upon the whole of said district, or upon such part or parts thereof, or upon the whole, as the said board may designate for that purpose.

d the expenses of said curbing and guttering separately assessed upon the lands benefited in the manner prescribed by the present charter village. But any apportionment or assessment of , or any part thereof, which shall be made by this act, shall when made, be subject to the e and deduction to and in favor of all parcels of respect to which it shall appear before the com- rs, hereinafter named, that the said village has re received or collected any sums under color of ssment or pretended assessment heretofore made purposes aforesaid, of the respective sums so by said village in regard to said parcels of land, vely, in manner hereinafter directed; and no or other sum in the aggregate shall be collectible ue of this act, or of said assessment hereby ed, than shall remain after such deduction and ce aforesaid.

For the purpose of carrying this act into effect, trustees shall forthwith lay out, by resolution, a within said village, beyond which the assessment sments, for any or all of said purposes, shall not and shall cause to be published once a week, for ks successively, in one of the public newspapers d in said village, a notice describing the said dis- so laid out by them, and further notifying all t may concern, that at a time and place which tes shall designate in said notice, they will hear ns from any person owning a freehold estate id village, as to the bounds of such district, and ime and place designated in such notice, or at e and place as they may then adjourn to for that it shall be the duty of the president and trustees aid village to attend and give a hearing to such s as shall desire to be heard, subject to such ons as the board shall adopt; such hearing may rned and continued from time to time by said but shall not be continued or proceeded in, ex- uch time and place as shall have been designated notice, or as shall have been previously fixed by adjournment and continuance on the part of said When the hearing shall have been closed, the d shall, by a vote of two-thirds of their number,

Trustees to
lay out dis-
trict, sub-
ject to as-
sessment.

which vote shall be recorded upon their minutes within the limits of the assessment district, beyond which the assessment shall not extend (which limits may be the same or different from those contained in the said notice) shall likewise designate the portion, if any, of said district, less than the whole, upon which the expense for sewer shall be separately assessed; and the portion, if any, less than the whole, upon which the expense for grading and bridging shall be assessed; but the portion of said district, as a whole, shall not be less than that of an assessment district for the same purpose, as determined by said board, by resolution passed October the eighth of the year one thousand eight hundred and sixty. The trustees shall thereupon appoint three persons as commissioners to make said assessment, all of whom shall be owners of real estate in the town of Yonkers, liable to taxation, and none of whom shall be owners of, or interested in, property within the limits of said assessment district, and none of whom shall have been heretofore appointed as commissioners for the purpose, nor have been trustees of the village of Yonkers since the first day of June, one thousand eight hundred and sixty.

Appoint-
ment of
commis-
sioners.

Commis-
sioners to
take oath of
office.

Their du-
ties.

§ 3. Each commissioner so appointed shall, immediately upon receiving notice of his appointment, take and subscribe, in writing, the oath or affirmation required by the constitution, before some officer authorized to administer the same; such oaths or affirmations shall be filed in the office of the clerk of said village. Every commissioner so appointed shall perform any duty required of him by such. The commissioners shall thereupon proceed to view the premises embraced within the said district, and shall assess the expense provided for by this act upon several lots, pieces or parcels of land embraced within the said district, or such respective parts thereof as the trustees may have directed to be assessed separately, and shall apportion to the benefit which, in the opinion of the commissioners, or a majority of them, the said land has derived from said grading, bridging, sewer, curbing and guttering, or either of them. The commissioners may, in their report, substitute the name of "unknown owner" in the place of the name of the owner of any land assessed in all cases when, after dili-

they have not been able to ascertain the name of the

After making the said assessment, but before any report thereof, the said commissioners shall be published once a week, for two weeks successively, in one or more of the public newspapers published in said village, a notice to be signed by them; and to the owners of any lands within the said village in respect to which the said village has, prior to the passage of this act, received any payments under any previous assessment, or pretended assessment, or any or either or all of the purposes aforesaid; and by such notice the said commissioners shall designate a time and place, subsequent to the last publication of such, at which they will receive proof of former payments; and at the time and place so designated, and at such other times and places as the said commissioners shall therefrom continuously adjourn, the said commissioners shall receive such proof, and from such proofs, ascertain the amounts of such payments respectively, and shall take into account, to the credit of any lot or parcel of land embraced in their assessment, the amount of any payment so proved to have been received by said village, prior to the passage of this act, in respect to such lot or parcel, under color of any former assessment or pretended assessment, and as shown on the face of their assessment list, and of their receipts, and apply such former payments, respectively, against the assessments on the respective lots or parcels in respect to which such former payments, respectively, shall have been made; and if, upon such application of such payments, the same shall, in any instance, be found to have been less in amount than the assessment hereby authorized upon the land in respect to which such former payment was received by said village, only the balance over such payment of the assessment hereby authorized on such land shall be, in any such instance, levied, payable upon or collectible or collected from such land by the owner thereof; but if such former payments in respect to any lot or parcel, be found by the said commissioners to have exceeded the assessment hereby authorized on such lot or parcel, then the said assessment hereby authorized shall not create any lien or charge upon

Commissioners to publish notice of time and place for hearing proofs of previous payments of assessments.

such lot or parcel, in respect to which such former payment was made, and no sum shall be collectible out of such assessment out of such lot or parcel, or out of the proceeds thereof. The said commissioners shall prepare a list to their assessment a list or schedule of the lots or parcels of land, and the then owners thereof (as far as they can ascertain the same), in respect to which such former payments shall have been found to exceed the assessments hereby authorized, and such excess shall be payable to the then respective owners of the several lots or parcels of land in respect to which such excess shall have been ascertained to exist, out of the moneys collected in pursuance of the assessment hereby authorized to be made, and the residue of such moneys shall be appropriated to the payment of any sum now remaining due for said grading, bridging, curbing, guttering and paving, and the expenses of carrying this act into effect. The crediting and allowance by said commissioners in the manner above directed, of any such former payment, shall be an absolute bar to the maintenance of any proceeding against said village on the part of the person who has made such former payment in respect to which such former payment shall exceed the assessments hereby authorized.

Commissioners to make report of assessment.

§ 5. The said commissioners shall keep minutes of their proceedings, and shall prepare a report in relation to the assessment so made, and of all deductions and allowances therefrom, and before signing the same shall give notice in one or more newspapers, published in said village, once a week for three weeks successively, of the time and place, when and where the parties interested can be heard and when and where the report can be examined and inspected during the interval between the first publication of such notice and the day appointed for hearing the said parties; and after hearing the parties applying to be heard, the commissioners shall proceed and complete, and sign the same or an amended report, and shall return the report so signed, together with the minutes of their proceedings, to the trustees, who shall file the objections in writing which shall have been presented to and left with them by any of the parties interested.

Trustees to examine

§ 6. The trustees shall thereupon examine the

et the said report and assessments, or send it and pass upon report.
 the same, or other commissioners to be appointed
 in manner aforesaid, or confirm the said report
 sment as they shall think proper. and the like
 gs shall be had by such newly appointed com-
 s, when the report shall have been sent back to
 n the first instance.

he trustees at the time of appointing the said Pay of com-
 oners, shall determine the amount or rate of missioners.
 tion to be paid the said commissioners, and the
 o determined, together with the actual expenses
 ng this act into effect, and the treasurer's per-
 f one per cent on the sum to be collected by
 reof, shall be added to said sum of eleven thou-
 hundred and fifty-five dollars and sixty-nine
 d form part of the amount to be assessed by the
 missioners, and shall be assessed on the several
 parcels embraced in said district, in the same
 n as said sum of eleven thousand six hundred
 five dollars and sixty-nine cents, and the said
 oners shall report the definite amount of such
 and the purposes for which the same were
 to said board.

ll the provisions of the acts of the legislature Provisions
 'An act to amend an act to incorporate the vil- of former
 onkers, passed April twelfth, eighteen hundred act applied.
 five, and to extend the powers of the corporation
 illage," passed April seventeenth, eighteen hun-
 fifty-seven, and of the act amendatory thereof,
 pril thirteenth, eighteen hundred and sixty, ex-
 ceptions twenty-two, twenty-three, twenty-four,
 ve, twenty-six and twenty-seven of title five
 aid first mentioned act, and sections nineteen,
 twenty-one and twenty-two of said last men-
 ct, shall apply to the proceedings authorized to
 by this act, so far as the same shall be applicable
 me manner and to the same extent as if the same
 t of this act.

his act shall take effect immediately.

Chap. 268.

AN ACT to amend an act entitled "An act to provide for the election of a police justice for the town of Milton, Saratoga county," passed April 21st, 1862.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight of chapter three hundred and ninety of the Laws of eighteen hundred and eighty-one is hereby amended to read as follows: The said police justice shall not be entitled to receive any fees for services performed under this act, but in lieu thereof shall receive an annual salary of five hundred dollars, which shall be allowed, raised and paid by the town of Milton, as other town charges are allowed and paid.

Chap. 269.

AN ACT to amend the act entitled "An act to establish free schools in the village of Sinecock," passed April fifteenth, one thousand eight hundred and fifty-four, and the several acts amendatory thereof.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of the act entitled "An act to establish free schools in the village of Sinecock," passed April fifteenth, one thousand eight hundred and fifty-four, and amended by section two of an act amendatory of said act, passed April eight, one thousand eight hundred and fifty-nine, is hereby amended so as to read as follows :

§ 5. The district trustees aforesaid shall be authorized to raise by tax annually, for the purchase of fuel and for necessary repairs and improvements of the said schools,

the district, a sum not exceeding five hundred and in case of the enlargement, rebuilding or on of new school houses, the said trustees shall be authorized to levy and raise, annually, on the taxable property of the district, with the assent of the school board, the amount required for such object, which shall not exceed four times the usual amount authorized by law for building new district school houses. The amount so levied shall be collected as other school taxes, by the town collector, and paid to the treasurer of the said trustees, who shall make an exhibit and report of all such receipts and expenditures, with his accounts in his book, annually, as required by the law aforesaid. This act shall take effect immediately.

Chap. 270.

Act authorizing the appraisal and payment of damages to Nathan Lewis, caused by the enlargement of the Erie canal, to his premises in Durhamville, Oneida county. Passed April 29, 1863; three-fifths being present.

People of the State of New York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the commissioners of the canal to appraise and determine the claim of Nathan Lewis, for damages alleged to have been sustained by him from the enlargement of the Erie canal, to his premises, situated in Durhamville, Oneida county, and if, upon examination, it shall be ascertained that any damages have been sustained by him for which the State is legally liable, said appraisers shall award for the same, subject to appeal to the court, as in other cases.

The treasurer shall pay, on the warrant of the commissioners of the canal department, such sum as shall be awarded under the provisions of this act, out of any moneys appropriated or to be appropriated to the payment of canal damages.

This act shall take effect immediately.

Chap. 271.

AN ACT to incorporate the Johaniter Benevolent Society of the city of New

Passed April 29

*The People of the State of New York, repr
Senate and Assembly, do enact as follows :*

SECTION 1. Henrich Nott, John Wachter, Bormann, Jacob Deboben, Nicolaus Werner and Siegman, and others who now are or shall become members of the Johaniter German A of the city of New York, are hereby constitute politic and corporate by the name aforesaid.

§ 2. The objects of said society are charity benevolent, and to afford relief to its members of sickness and infirmity.

§ 3. The said corporation may purchase and and personal estate for their benefit, but the thereof shall not exceed two thousand dollars.

§ 4. The corporation shall possess the power subject to the restrictions and liabilities prescribed third title of chapter eighteen of the first part Revised Statutes.

§ 5. This act shall take effect immediately.

Chap. 272.

AN ACT to provide for laying out a public way in the town of Westerlo, in the county of Albany.

Passed April 29, 1863; three-fifths being passed

*The People of the State of New York, repr
Senate and Assembly, do enact as follows :*

SECTION 1. The commissioner of highways of the town of Westerlo, is hereby authorized and empowered to receive from Joshua Tompkins and Luther Tompkins, a quit-claim deed and release of all and sundry certain piece or strip of land, situate, lying and being in the town of Westerlo, aforesaid, beginning at

uman Stanton's house, and passing through the
of the said Joshua Tompkins and Luther P. Tomp-
to a road known as the old Rensselaerville and
altimore turnpike road, as the fences now are, and
same has been hitherto used as a private way,
ing about half a mile in length and about thirty
width.

The said strip or piece of land is hereby declared
e highway, from and after the time of the execu-
l delivery of the said quit-claim deed and release,
ject to the laws and regulations in relation to
highways in said town of Westerlo; provided,
r, that no proceedings shall hereafter be taken to
the width of said highway, nor shall said high-
altered in any manner, without the consent of
Joshua Tompkins and Luther P. Tompkins, or
irs, grantees or assigns.

This act shall take effect immediately.

Chap. 273.

CT to amend an act entitled "An act to
ide for the regulation and inspection of
lings, the more effectual prevention of fires,
the better preservation of life and property
ne city of New York;" passed April 19th,
2.

ed April 29, 1863; three-fifths being present.

*People of the State of New York, represented in Senate
embly, do enact as follows:*

SECTION 1. Chapter three hundred and fifty-six of the
f eighteen hundred and sixty-two, entitled "An
rovide for the regulation and inspection of build-
e more effectual prevention of fires, and the bet-
ervation of life and property in the city of New
is hereby amended as follows:

The twentieth section of said act is hereby
l by adding at the end thereof as follows: "In
where hot water, steam, hot air, or other furna-
placed in buildings already erected, due notice

shall first be given to the department for the survey and inspection of buildings, by the owners of said buildings, or contractors, or superintendents of said work."

§ 3. The thirty-ninth section of the said act is hereby amended by adding thereto, after the word "act" in the sixth line thereof, as follows: "And if no such person can be found, after diligent search, within twenty-four hours thereafter, then such notice may be served by posting the same in a conspicuous place upon the premises where such violation is alleged to exist, which shall be deemed a personal service of said notice upon all parties having any interest in said premises, or who may be liable for the violation thereof, under any provision of this act."

§ 4. The forty-fifth section of the said act is hereby amended, by adding at the end thereof, as follows: "And the said department shall be allowed and paid for incidental expenses, by the comptroller of said city, an amount certified to by the superintendent with the vouchers thereof, not exceeding the sum of eight hundred dollars per annum."

§ 5. Whenever the word "clerk" occurs in sections forty-six, forty-seven, fifty and fifty-one of said act, the same is hereby amended so as to read "clerks," and the superintendent of buildings is hereby authorized to appoint one additional clerk under said act, in the same manner, and at the rate of nine hundred dollars per annum, to be paid in like manner as now provided for the payment of salaries of officers under said act.

§ 6. The forty-eighth section of said act is hereby amended so as to read as follows: "It shall be the duty of the superintendent of buildings to sign all certificates and notices required to be issued under this act, to make return of all violations to the attorney of the fire department of said city for prosecution, and to return duplicate notices to the board of trustees, to have kept in proper books for that purpose a register of all transactions of said department, to submit to the mayor and board of supervisors annually a detailed statement of said transactions, and perform such other duties as are herein required of him, and he shall have a general supervision and direction over the officers of said department."

§ 7. The fifty-fourth section of the said act is hereby

amended so as to read as follows: "The board of supervisors in the county of New York shall, for the year one thousand eight hundred and sixty-two, and annually thereafter, raise and collect, by tax upon the real and personal property taxable within the city of New York, such sum of money as shall be requisite and necessary to pay the salaries and incidental expenses provided for under this act, which shall be considered a county charge; such sum of money, when collected, shall be disbursed to the several officers under this act as they shall be entitled thereto."

§ 8. So much of the several sections of said act as are inconsistent with this act is hereby repealed.

§ 9. This act shall take effect immediately.

Chap. 274.

AN ACT to incorporate the Protestant Episcopal Tract Society.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Horatio Potter, Joseph H. Price, John McVickar, Samuel Seabury, William Ronalds, George J. Geer, Francis Vinton, Benjamin J. Haight, William Walton, A. Bloomer Hart, George H. Houghton, Alfred B. Beach, Edward R. T. Cook, Joshua Weaver, Thomas Gallandet, Theodore A. Eaton, Robert S. Howland, Francis E. Lawrence, William E. Dunscomb, Floyd Smith, Cyrus Curtiss, Samuel T. Skidmore, William H. Bell, Samuel Nott Hyde, John Buckley, Jr., Samuel P. Bell, Henry C. Carter, William H. Bowman, and such others as shall be associated with them, are hereby created a body corporate by the name of "The Protestant Episcopal Tract Society," (as originally organized in the year eighteen hundred and ten, and continued in operation to the present period) for the distribution of tracts and religious works.

§ 2. The management of the affairs and concerns of the said society, when the society is not in session, shall be conducted by a board of officers and managers, to be,

from time to time, appointed by the said society for the transaction of business, of whom not less than five shall constitute a quorum. The individuals named in the first section of this act shall be the first managers of the corporation, and shall continue in office until a new election by the society.

§ 3. For the object designated in the first section of this act, generally or for any purpose connected with such object, the said corporation shall have power, from time to time, to purchase, take and hold real and personal estate, and to sell, lease and otherwise dispose of the same, provided the aggregate, clear, annual value of such estate shall not exceed ten thousand dollars. The corporation hereby created is declared subject to the provisions of chapter three hundred and sixty of the Laws of eighteen hundred and sixty, entitled "An act relating to wills."

§ 4. The legislature may, at any time, amend or repeal this act.

§ 5. This act shall take effect immediately.

Chap. 275.

AN ACT to amend an act entitled "An act to authorize the construction and maintenance of a bridge over the Erie canal, in the town of Frankfort, Herkimer county, and to authorize a construction of a highway in place thereof."

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of "An act to authorize the construction and maintenance of a bridge over the Erie canal, in the town of Frankfort, Herkimer county," passed April fourteenth, eighteen hundred and fifty-eight, is hereby amended, so as to read as follows:

Highway to
be laid out.

§ 1. The canal commissioners are hereby authorized and directed to lay out and construct, or cause to be laid out and constructed, at the expense of the State, a highway in the town of Frankfort, Herkimer county,

commencing at or near a point in the highway known as the "Old Frankfort Hollow Road," distant from the blue line of the old Erie canal north, twenty-seven degrees thirty minutes, east about seven chains, and running thence in said course about seven chains, thence in a course north sixty-eight degrees east to the south bank of the Erie canal, thence along said bank in an easterly course to the bridge over said canal, on the line between lots of Alexander Bridenbecker and Joseph Bridenbecker. And the sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the laying out and construction of the said highway, to be paid from any moneys in the treasury appropriated or to be appropriated for the extraordinary repairs and improvements on the canals.

§ 2. In consideration of the laying out and construction of the said highway, the inhabitants of the said town of Frankfort hereby relinquish all claim against the State for a bridge over the Erie canal, which the Canal Commissioners were authorized and directed to construct and maintain by chapter one hundred and ninety-six of Session Laws of eighteen hundred and fifty-eight.

Inhabitants
to relin-
quish
claim to a
bridge over
canal.

Chap. 276.

AN ACT for the relief of De Witt C. Stephens.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York; represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board are hereby authorized and required to hear and determine, within one year, the claim of De Witt C. Stephens, for lands and premises appropriated for the enlargement of the Erie canal, in the village of Durhamville, Oneida county, belonging to the said Stephens, and award to him such compensation therefor as shall be just and equitable.

§ 2. The Auditor is hereby required to give his warrant or draft upon the Treasurer for the amount of such award, and the Treasurer is hereby required to pay the

same out of any moneys appropriated or to be appropriated for canal damages.

§ 3. This act shall take effect immediately.

Chap. 277.

AN ACT to amend an act entitled "An act to incorporate the Southold Savings Bank."

Passed April 29, 1891.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows:

SECTION 1. The sixth section of the act entitled "An act to incorporate the Southold Savings Bank," amended to read as follows:

Investment of deposits.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit sums of money as may be from time to time deposited therefor, by tradesmen, clerks, mechanics, laborers, servants, and others, and investing the same in securities or stocks of the State of New York, of the United States, or in the stocks or bonds of the cities of Suffolk, Queens and Kings, and cities of New York and Brooklyn, or of the town of Southold, authorized to be issued by the legislature of this State, or to be loaned on the securities of the said stocks or bonds, or also upon bonds secured by mortgage on improved and unimproved, unincumbered real estate, located within the State, worth at least double the amount to be loaned thereby, exclusive of buildings; but no loan upon mortgage, of a larger sum than ten thousand dollars shall be made, or in such other manner as is authorized by this act for the use, interest and advantage of the depositors, and their legal representatives. And the corporation shall receive on deposit all sums of money which may be offered for the purpose of being deposited as aforesaid, but not to exceed the sum of five hundred dollars from any individual, which shall as soon as practicable be invested accordingly, and shall be paid out at such times, and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe; which regulations shall be put up

Limitation of amount.

and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be so altered as to affect any deposit previously made. Any president, vice-president, trustee, officer, or servant of said corporation, shall, directly or indirectly, borrow money of said corporation, or its deposits, or in any other manner use the same, or any part thereof, except to pay the expenses under the direction of said board of directors. All certificates or other evidences of deposit, issued by the proper officer of such corporation, shall be valid on said corporation as if they were made under its common seal. It shall be the duty of the officers of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they may receive as near as possible a ratable portion of all the profits of the said corporation, after deducting all the expenses. In all cases of loans upon real estate, there shall be sufficient bond, or other satisfactory personal security, shall be required of the borrower, and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest as soon as practicable in public stocks, or public securities, or in real estate mortgages, as provided in this act, all sums not paid by them beyond an available fund of not exceeding fifty thousand dollars, which they may keep for the purpose of making the current payments of said corporation, and any interest or dividends may be kept on deposit, on interest or otherwise, in such available form as the trustees may deem proper.

Officers of
bank not to
borrow
funds.

Rate of in-
terest to de-
positors.

Securities.

This act take effect immediately.

Chap. 278.

AN ACT to amend an act revising, amending and consolidating the several acts in relation to the village of Greenbush, passed March the second, eighteen hundred and fifty-four.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented by the Senate and Assembly, do enact as follows :

BOUNDARIES.

SECTION 1. All that district of country in the village of Greenbush, county of Rensselaer, comprised within the following boundaries, to wit : Beginning at a point on the Hudson river opposite the city of Albany, on the line between the counties of Albany and Rensselaer; thence northerly a line running one hundred and fifty feet north of the northerly line of Catharine street; thence northerly parallel to and one hundred and fifty feet north of the northerly line of said Catharine street to its termination; thence easterly on the same parallel across the lands owned by Dr. James McNaughton to a point one hundred and fifty feet east of the westerly line of the lands owned as the Mason farm; thence southerly one hundred and fifty feet east of the westerly line of said Mason farm to a point one hundred and fifty feet south of the southerly line of Partition street; thence westerly parallel to and one hundred and fifty feet south of the southerly line of Partition street to a point one hundred and fifty feet west of the easterly line of Cottage Hill street; thence northerly parallel to and one hundred and fifty feet east of the easterly line of Cottage Hill street to a point one hundred and fifty feet south of the southerly line of Mill street; thence west parallel to and one hundred and fifty feet south of the southerly line of said Mill street to the place where said line will intersect the west boundary of the county of Rensselaer; thence north along said boundary to the place of beginning, shall be known and distinguished as the village of Greenbush, and the inhabitants residing in said district are hereby declared to be a body politic and corporate, by the name of the village of Greenbush, president and trustees of the village of Greenbush.

shall have perpetual succession, and may sue, defend, complain and defend, in any court of law; may take, hold, purchase and convey real estate for the purposes of said corporation may require; and use a common seal, and alter the same at will, and may exercise such other power as is or may be conferred by law, or as shall be necessary to carry into effect the powers conferred on such corporation into effect.

DUTY IN ELECTIONS—TIME OF OPENING AND CLOSING POLLS.

The clerk of said village shall give at least eight days notice of all elections to be holden under this act, by posting the same in at least six public places in said village. The poll at all such elections shall be opened at ten o'clock in the forenoon, and closed at sundown on the same day, and the inspectors, immediately after the closing of the poll, shall proceed to canvass the votes given at such election; shall openly declare the result, and shall sign and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number of votes given for each person voted for, and the office for which he shall have been voted for; which certificate shall be filed in the office of the clerk of said village, and shall be recorded in the records of such village. The person eligible, and having the greatest number of votes for the office to be filled at such election, shall be deemed duly elected. If two or more shall have the same number and an equal number of votes for the same office, the inspectors presiding at the election shall forthwith decide by lot which shall be deemed elected; and in case of a tie the facts shall be set forth in the certificate of election made by such officers.

ONE THOUSAND DOLLAR TAX.

The trustees shall have power to raise by tax from the whole inhabitants of said village, and the property liable to taxation, such sums of money as they may deem proper, but not to exceed the sum of one thousand dollars in any one year, to be expended in the payment of the debts and expenses of the corporation, and to carry into effect the several powers and privileges conferred by this act.

AN ADDITIONAL THOUSAND DOLLAR TAX.

§ 4. The said trustees or a majority of them may cause to be raised such further sum not exceeding one thousand dollars in any one year by general tax, provided that the consent of a majority of the taxable inhabitants of said village, authorized to vote, who are present and voting at an annual or special meeting called for that purpose, first be obtained.

ABOLISHING THE ELECTION OF STREET SUPERINTENDENT.

§ 5. The election of street superintendent is hereby abolished, and the board of trustees are hereby authorized to appoint two street superintendents, one in each election district, who shall hold their office for one year; and may be removed at any time by the board of trustees for neglecting their duty, or for improper conduct.

OFFICE OF TRUSTEE TO BE DECLARED VACANT.

§ 6. Any member of the board of trustees absenting himself from three (3) regular meetings of the board in succession, unless in case of sickness or from some other unavoidable cause, his office shall be declared vacant by a two-third vote of the board.

DIVIDING THE VILLAGE INTO DISTRICTS.

§ 7. The board of trustees shall have the right at any time to divide the corporate bounds of the village into four wards or districts.

§ 8. This act shall not affect any act, claim or right secured or established, or any suit, proceeding or prosecution had or commenced previous to the time when such act shall take effect, but every such act, right or proceeding shall remain as valid and effectual as if said act had remained in force.

§ 9. This act shall take effect on the first day of January, in the year of our Lord one thousand eight hundred and sixty-four.

Chap. 279.

AN ACT to amend several acts relating to the town of Glenville, Schenectady county.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirteen of an act entitled "An act to erect certain parts of the city of Schenectady into separate towns, and for other purposes," passed April fourteenth, eighteen hundred and twenty, is hereby amended so as to read as follows :

§ 13. And be it further enacted, That all moneys which may come to the hands of the said trustees for rent, interest or otherwise, shall and may be appropriated by the said trustees, for the improvement of roads and bridges in the said respective towns, and for such other public uses and purposes as the said trustees may think proper, but that no appropriation whatever of said moneys, or other public property of the said towns, shall be made by the said trustees without the unanimous consent of all the trustees; and that distinct accounts shall be kept of all the moneys from time to time appropriated by the said trustees, for public purposes, in either of the said towns, and further, that the said trustees shall, previous to their entering upon the duties of the said offices, take and subscribe an oath for the faithful execution of the duties of their respective offices according to the best of their abilities, without fraud, favor or partiality; which oaths shall be filed in the office of the town clerk of the respective towns; and the said trustees shall receive for every day engaged in the execution of the duties of their office, such sum each per day as other town officers receive, and to be audited and paid in the same manner as other town expenses.

§ 2. Section second of "An act authorizing the trustees of the town of Glenville to receive commutation for quit-rents payable to said trustees," passed May seventh, eighteen hundred and forty-seven, is hereby amended so as to read as follows :

§ 2. The money received for the commutation of said

quit rents shall belong to said town as a part of its capital, and shall be invested by the said trustees for the benefit of said town, on bond and mortgage upon landed estate worth double the amount of all incumbrance, including the amount to be invested as aforesaid.

§ 3. This act shall take effect immediately.

Chap. 280.

AN ACT to incorporate the Master Stevedores' Association of the port of New York.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. Michael K. Wilson, William A. Moore, John B. Phillips, John A. Wilson, Charles E. Wilson, jr., Erick R. Jackson, Richard J. Holmes, William J. Donald, Charles A. Persons, Philip Murray, Alexander Lovell, Charles J. Fisher, William Roberts, Thomas T. Husson, George Hall, Silas O. Pierce, James E. Avery, Nicholas Morris, Charles E. Wilson, William G. Hynard, James H. Yeaton, Henry Donald, John H. Gardiner, George Marshall, Alexander Lander, James Smith, William B. Ostrom, Louis S. Overton, John Ryan, and such other persons as are now or hereafter shall become associated with them, are hereby constituted a body corporate by the name of the "Master Stevedores' Association," and which shall be located in the city of New York.

§ 2. The object of the association is the better to promote the business and interests of the several members of the association.

§ 3. The association may purchase and hold real and personal estate, for its use and benefit, not exceeding the sum of twenty-five thousand dollars, and may sue and be sued in its corporate name.

§ 4. The association shall have the power to form a constitution and make by-laws for the government thereof not inconsistent with the provisions of this act, or the existing laws of the State.

§ 5. The said corporation shall possess the general powers, and be subject to the general restrictions and

liabilities contained in the third title of chapter eighteen of part first of the Revised Statutes.

§ 6. This act shall take effect immediately.

Chap. 281.

AN ACT authorising the Coventry and Nineveh Plank Road Company to abandon their road.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The directors of the Coventry and Nineveh Plank Road Company are hereby authorized to abandon their road by a written declaration, which said declaration shall be attested by their common seal and acknowledged by the president and secretary of said company, before an officer empowered to take the acknowledgment of deeds. Such declaration shall be filed and recorded in the clerk's office of the county of Chenango, and thereupon the plank road so surrendered and being in the town of Coventry, shall cease to be the road or property of the company, and belong to the said town of Coventry, and the said company shall be no longer bound to maintain it or be liable to be assessed thereon, or be permitted to collect tolls for traveling over the same, from the time of recording said declaration of surrender.

§ 2. If said declaration of surrender shall be acknowledged and recorded as aforesaid before the next annual meeting of the board of supervisors of Chenango county, the said supervisors shall cause the sum of one hundred and fifty dollars to be assessed, levied and collected in the said town of Coventry, in the same manner as other town charges, which amount shall be paid by the supervisors of said town to said Coventry and Nineveh Plank Road Company, and the receipt of the treasurer of said company shall be in discharge thereof.

AN ACT to authorize the sale of the poor
farm belonging to the town of Schroeppe,
county of Oswego.

Passed April 29, 1863; three-fifths being p

*The People of the State of New York, repr
Senate and Assembly, do enact as follows:*

Commiss- sioners to sell farm.

SECTION 1. Edmund Merry, Anson Spencer and William C. Fitzgeralds are hereby authorized and empowered as commissioners, to sell and convey the farm known as the poor farm, and purchased by said town under the virtue of an act entitled "An act to authorize the town of Schroepfel, in the county of Oswego, to purchase a poor farm, and to erect thereon a town poor house," passed April eighteenth, eighteen hundred and fifty-nine, said farm to be sold at public or private sale by said commissioners, as to them may be deemed for the best interest of said town, and during the year eighteen hundred and sixty-three.

May sell on credit.

§ 2. Said commissioners may, if in their judgment the interests of said town will be promoted thereby, lease said farm on a credit of a term of years, taking good and sufficient security for the payments thereon.

Application of proceeds.

§ 3. The commissioners aforesaid shall faithfully receive the proceeds of said sale, as soon as the same shall come into their possession, to the payment of such debts as may be audited against said town, under and by virtue of an act entitled "An act to authorize the levying of taxes upon the taxable property of the different counties and towns in this State to repay the moneys borrowed and expended in the payment of bounties to volunteers in the expenses of their enlistment, or for aid to the families of soldiers," passed February eighteen, eighteen hundred and sixty-three. Said commissioners shall use said proceeds as fast as the same shall come into their possession for paying said debts, after the same shall have been audited by the town board of the town of Scituate, under and by virtue of said act, and upon the receipt of the supervisor and town clerk of said town.

Said commissioners, before entering upon the discharge of their duties, shall execute a bond in the sum of one thousand dollars to the supervisor of the town of Hume, with two or more sufficient sureties, for the performance of the trust hereby created, and their proceedings, under this act, to the auditing of said town at its annual meeting in each year, and the full and complete discharge of said trust by

Commissioners to give bond.

Chap. 283.

AN ACT for the appraisal and payment of canal damages to Wesson B. McCrea.

Enacted April 29, 1863; three-fifths being present.

People of the State of New York, represented in the Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required to examine and determine the claim of Wesson B. McCrea, of the town of Hume, in the county of Oneida, for alleged damage to his saw and shingle mill and land situated on the Genesee Valley canal in said county, which damages are alleged to have been caused by the officers and employees of the State, in taking and erecting said McCrea's mill dam and other property obstructing a breach in said canal, caused by a break in said canal about October first, eighteen hundred and sixty-three; and if it shall appear that any damages have been done to said mill and land, for which the State is justly liable, then the canal appraisers shall award such sum therefor, not exceeding two thousand five hundred dollars, as shall to them seem just and equitable; such appraisal and award, when made, shall be subject to appeal to the canal commissioners in other cases.

The treasurer shall pay on the warrant of the canal commissioners, such damages as may be awarded under and by virtue of the first section of this act out of any moneys in the treasury appropriated for the payment of canal damages. This act shall take effect immediately.

Chap. 284.

AN ACT to amend an act entitled "An act to provide for the opening and laying out of a highway in the towns of Wayne and Bradford, in the county of Steuben," passed April eighteenth, eighteen hundred and sixty-two, and to provide for the completion of said highway.

Passed April 29, 1863; three-fifths being

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment of
commis-
sioners.

SECTION 1. The first section of an act entitled "An act to provide for the opening and laying out of a highway in the towns of Wayne and Bradford, in the county of Steuben," passed April eighteenth, eighteen hundred and sixty-two, is hereby amended so as to read: "That John B. Birdseye, of the town of Wayne; John Wolcott, of the town of Bradford, and William H. Bath, of the town of Bath in the county of Steuben, be and they are appointed commissioners to lay out and construct a public highway in the said towns of Wayne and Bradford, to commence at the Bath and Penn Yan road in the town of Wayne, near the residence of Charles H. Birdseye, and running thence in a southerly direction through the so called Birdseye hollow, and thence through the town of Bradford, near the residence of Jonathan H. Birdseye, until it meets the Bradford Hollow and Scuppernon road near the residence of the widow Bartholomew."

Oath of
office and
power of
commis-
sioners.

§ 2. The said commissioners shall take and swear the oath required by the twelfth article of the constitution of this State. They, or a majority of them, shall determine the route of said highway, and shall make and subscribe duplicate certificates, setting forth the route of said highway by its courses and distances, and shall deposit one of such certificates with the clerk of said town of Wayne, and the other with the clerk of said town of Bradford, and the said town clerk shall file and record the same with the records and maps in said towns, and the said commissi-

er to alter the route of said highway from the
ready adopted by them. pursuant to the provi-
the act referred to in the first section of this act;
shall not have power to alter such route after
have filed the aforesaid certificates.

ne damages sustained by the reason of the lay-
and opening such road may be ascertained by the
t of the owners and said commissioners, and
h agreement shall be made, or the owner of
shall in writing release all claim to damages, the
ll be assessed in the manner hereinafter pre-
efore such road shall be opened, worked, or
ugh such land. Every such agreement or re-
l be filed in the town clerk's office of the town
such land or a part thereof shall be situated,
forever preclude such owner from all further
such damages.

the said commissioners shall be unable to agree
owner or owners of lands on the route of said
n respect to such damages, the same shall be
y not less than three appraisers, to be appointed
nty court of the county of Steuben, on the
n of the said commissioners. The said apprai-
take the oath of office prescribed by the
on, and shall proceed on receiving from said
ners at least six days' notice of the time and
meet the said commissioners and take a view of
ses, hear the parties and such witnesses as may
before them; and they shall all meet and act
assess all damages which may be required to
d on said highway, and shall be authorized to
r oaths to witnesses which may be produced
m under this section, and when they shall all
and acted the assessment so agreed to by a
of them shall be valid, and when so made shall
red to one of said commissioners, who within
after receiving it shall file it in the office of the
he town in which the land in relation to which
ages are assessed, or a part thereof, is situated.
ers of the said lands shall be entitled to receive
six days' notice of the time and place of the
of said appraisers to assess damages, and the said
s shall have power to meet from time to time,

Damages to
be ascer-
tained.

When ap-
praiser to
be appoint-
ed.

Oath of
office.

and to make and file separate assessments for owners. Such appraisers shall receive for the station, each three dollars per day while engaged in said duties, and the assessment made by them shall be final.

Supervisors
to levy \$500.

§ 5. The board of supervisors of the county shall cause the sum of five hundred dollars to be levied upon said county in the next levy of taxes in 1880, and collected, to be applied towards constructing said highway, and the said board of supervisors shall cause the remaining amount necessary to complete said highway, and to pay the damages as finally assessed with the charges of the said commissioners and their reasonable expenses, including the fees of counsel for counsel necessarily employed, together with the expenses incurred by said commissioners in performing the duties above prescribed by the act of the legislature referred to in the title of this act, to be assessed, levied and collected in said portions in said towns of Wayne and Bradford in the same manner as other town charges, one-half of the levy of taxes and the remainder in the levy of the following year; and the amount so collected shall be paid to said commissioners, who shall apply said money to the payment of such damages, charges and expenses in constructing said highway.

Pay of commissioners.

§ 6. The said commissioners shall each be entitled to receive two dollars a day for each day actually employed by them in performing the duties above prescribed.

§ 7. This act shall take effect immediately.

Chap. 285.

To amend chapter two hundred and y-nine of the Laws of 1862, entitled "An r the better improvement of highways at and Lake and vicinity," passed April 1862.

April 29, 1863; three-fifths being present.

People of the State of New York, represented in l Assembly, do enact as follows :

1. The first section of chapter two hundred ty-nine of the Laws of eighteen hundred and , entitled "An act for the better improvement ays at Rockland Lake and vicinity," passed enteenth, eighteen hundred and sixty-two, is ended, so as to take out districts forty-one, ne, seventeen, thirteen and eight, from the istrict created by the said first section, and also operation of the said act, except as hereinafter

Change of
district.

he said highway districts so taken out as afore- ereby created and consolidated into one union istrict, to be known as the Waldberg union istrict, which shall hereafter be worked under tion of three superintendents, who shall be d possess all the powers and privileges, and t to all the duties in the said act set forth, hereinafter provided.

Creation of
union dis-
trict and
appoint-
ment of su-
perinten-
dents.

he said superintendents shall reduce the rate per he third section of the act more particularly to fifty cents per day, and whenever in their a less rate per day shall be sufficient to keep ain all the highways under their oversight in serviceable order and repair, they are hereby d to reduce the rate per day to a less sum. however, that if in any one year the reduced rate e proved insufficient for such good and servicea-, they shall for the ensuing year increase the rate of fifty cents per day by such sum as they a from that rate per day, or by so much thereof judgment of the commissioners of highways,

Authority
of superin-
tendents.

under whose jurisdiction such union highway may be, shall be deemed sufficient to put on the said highways in good and serviceable repair.

Payment of
taxes.

§ 4. The taxes assessed at the aforesaid persons in the said Waldberg district shall on or before the first Tuesday of July in each year be paid to the said superintendents at such time and place as they may designate by public notices, at least five copies of which shall be posted in said district; and in case any person liable to pay any such tax, or whenever any person liable to pay the same shall have given notice to the said superintendents, at least ten days prior to the first day of June in each year, of his election to do such work or any part thereof, no penalty shall be added to such tax, or to such proportion of the same as shall not be discharged by such work to have been done as aforesaid.

Superinten-
dents.

§ 5. Nicholas Williamson, George P. I. Joshua Keesler are hereby appointed superintendents of the said Waldberg union highway district.

Application
of act ex-
tended.

§ 6. All the provisions of this act shall be extended to any two or more single, or to any united highway district in any of the towns of Rockland, whenever a majority of persons assessed for highway labor in such districts in writing to the commissioners of highway labor of such towns, within which such persons reside, two weeks before the annual town meeting declare their preference for the working of the same under the provisions of this act. Thereupon and at such town meeting, the same shall proceed to elect three superintendents of the district or districts specified in their application. The district or districts shall thereafter be known by the name of such district or districts, if any, as may be designated in such application.

§ 7. This act shall take effect immediately.

Chap. 286.

For the better support of the poor in the Poughkeepsie, in the county of Dutchess.

Passed April 29, 1863; three-fifths being present.

People of the State of New York, represented in the Assembly, do enact as follows:

SECTION 1. The city of Poughkeepsie shall not hereafter be subjected to taxation for the support or maintenance of the poor of or in the towns of the county of Dutchess, nor shall the towns of the county of Dutchess be required to contribute for the support of the poor in the city of Poughkeepsie; but such city of Poughkeepsie, for all the purposes of supporting the poor within its limits, and carrying into effect the laws of the State for the support and relief of indigent persons, shall be a separate and distinct district.

The office of overseer of the poor in the city of Poughkeepsie is hereby abolished. There shall be a commission in the said city, by the name of "the commissioners of the alms-house of the city of Poughkeepsie," who shall possess the usual powers of a corporation for all the purposes; and James Emott, James H. Dudley, James B. Jewett, Joseph T. Barnard, Matthew Vassar, Jr., and Jacob B. Jewett are hereby appointed such commissioners for the purpose of carrying into effect the provisions of this act. They shall be divided into three classes and hold their offices for the periods following, to-wit: James Bowne and Joseph T. Barnard shall constitute the first class, and hold their offices until the first Tuesday of March, eighteen hundred and sixty-three; James Emott and James H. Dudley shall constitute the second class, and hold their offices until the second Tuesday of March, eighteen hundred and sixty-five; and Matthew Vassar, Jr., and Jacob B. Jewett shall constitute the third class, and hold their offices until the second Tuesday of March, eighteen hundred and sixty-six; and upon the expiration of their several terms of office, their places shall be filled by persons duly elected at the city election for city officers, held in the city of Poughkeepsie for the year in which such terms of office

City to support its own poor.

Appointment of commissioners.

Term of office.

shall expire ; which election shall be conducted in the following manner that is to say : each elector shall vote upon a separate ballot the name of one suitable person who shall be a citizen of the United States, of the city of Poughkeepsie, and a resident of said city of Poughkeepsie, in the words "for commissioner of the alms house," and the same in a separate box, to be provided for the purpose by the officers who shall preside at such elections, and a separate poll list shall be kept of the persons voting for such commissioners ; and the two persons having the greatest number of votes, at such election shall be declared and deemed to be duly elected. At every annual city election thereafter there shall be elected in the same manner, two persons as such commissioners. The persons elected shall hold their office for a term of three years, and until others are duly elected to their places.

May sue
and be sued.

Authority.

§ 3. The said commissioners of the alms house shall sue and be sued in their corporate name in the courts of this State ; they shall have the sole and exclusive care and management of the poor in the city and shall provide for and maintain the persons named in the fourteenth section of the act concerning the relief and support of indigent persons," in the manner hereinafter mentioned ; and for that purpose they shall have and exercise all the powers and authority now exercised by law in the overseers of the poor of towns, cities and superintendents of the poor of counties, not inconsistent with the provisions of this act. They shall also possess the powers following :

Ib.

First. To appoint, by a resolution to be entered in their minutes an officer, to be denominated "superintendent of the poor of the city of Poughkeepsie," together with such other agents as may be necessary, in order to carry into effect the purposes of this act. The said superintendent and other agents shall hold their offices during the pleasure of the said commissioners, and shall receive such fixed annual salary, as a compensation for their services, as the said commissioners may determine.

Ib.

Second. To visit the poor of the said city at several places of residence, and inquire and examine into their circumstances, the number and ages of the persons in their families, the places of their former

employments, for what length of time and to what they have been dependent on the public for support, their ability to labor, and the causes of their poverty. And the commissioners may direct either permanent or temporary relief to such poor persons, under such regulations as they may from time to time adopt.

To contract for, purchase and provide provisions, fuel, clothing and other necessities for the support and distribution amongst the poor, and such cattle, furniture and farming utensils for the alms house as, hereinafter mentioned, as in their judgment they may deem necessary.

1b. To purchase in fee simple and take a deed of land to the said commissioners in their corporate name a farm of land not exceeding one hundred acres, situate thereon, if necessary, a building sufficient for the residence and accommodation of the poor of said city, to be denominated the alms house. But the sum of money to be expended by the said commissioners in the purchase of the said farm, and the erection and building of the said buildings, shall not exceed the sum of twenty thousand dollars. And until such farm and buildings shall be purchased and provided, as aforesaid, the said commissioners may hire a house and lot of ground in the city of Poughkeepsie, for a term of time, as a residence for the poor of the said city, at an annual rent not exceeding five hundred dollars.

The said commissioners may also cause to be erected within, or within the vicinity of said alms house, one or more cells, or other place or places of confinement for the temporary imprisonment or detention of the poor of said city. And the recorder of the city of Poughkeepsie may, when required by his warrant, to be directed to and signed by one of the police officers of said city, to commit to the custody of the keeper of the said alms house, all persons confined in such cells or places of confinement, all adjudged vagrants, according to the provisions of the act concerning beggars and vagrants, and sentenced to imprisonment therefor; and the keeper of said alms house is hereby authorized to require all persons, so committed to his charge, to do and perform such work as the superintendent of the poor of said city may direct; and the board and maintenance of every such person, who, by the provisions of the act concern-

1b.

1b.

ing beggars and vagrants, would have been sent to the county jail, at a sum not exceeding one dollar a week for a term not exceeding sixty days upon conviction, shall be a county charge, and shall be paid in the same manner as other county charges.

Authority.

Sixth. The said commissioners shall also have power to receive from the commissioners of emigration the moneys they may become entitled to receive in respect of account of foreign paupers relieved by them.

Ib.

Seventh. Such commissioners may also appoint one of their body president; and they may also fill any vacancies which may occur amongst their number by resignation, or otherwise, by appointing some other person or persons to fill such vacancy or vacancies. They shall hold their offices for the unexpired term of the persons whose places have thus become vacant, and shall keep a written record of their proceedings. They may establish rules and regulations for their government, the government of their superintendents, officers and servants, in the examination of paupers applying for or entitled to relief, or for admission into the almshouse, and in the distribution of food, fuel, and other necessities among the poor of the city.

Ib.

Eighth. They shall have power, from time to time to borrow all such sums of money as they may deem necessary to carry out the powers vested in them, and to give obligations in their corporate name, to be signed by their president and secretary, for the payment of such sums of money and of any debts incurred by them as such commissioners, and the city or county keepsie shall be liable for the payment of such obligations.

Ib.

Ninth. They shall have the powers superintending the poor now have in relation to lunatics within the city, and to provide for their safe keeping in a proper place, or to send them to a lunatic asylum.

Ib.

Tenth. They shall have the same powers as the commissioners of the poor and county superintendents of the poor have in relation to bastards within said city; and proceedings to be had in such cases shall be in the corporate name, and all bonds required according to the provisions of the statutes relating to bastards, shall be given to them in their corporate name; but nothing in this act contained shall be construed to release or discharge

tendents of the poor of Dutchess county from ability to any person or persons residing in the city Poughkeepsie, supporting any bastard child already liable to said county of Dutchess, in cases in which he heretofore compromised with the putative father support.*

The commissioners of excise of the county of Dutchess, shall, every year pay to the commissioners of the almshouse of the city of Poughkeepsie for the relief of the poor of said city, all moneys which shall be collected and received by the said commissioners of excise of the county of Dutchess for licenses granted to inhabitants of the city of Poughkeepsie in said county, under the provisions of "An act to suppress intemperance and regulate the sale of intoxicating liquors," passed April 18, eighteen hundred and fifty-seven, after deducting out of such moneys such ratable proportion of the lawful compensation and expenses of the commissioners of excise of said county, for hearing applications for licenses and granting licenses, and for other services incurred officially in said city, under the said act, the amount of moneys received for licenses under said act, to residents of the city of Poughkeepsie, shall be the whole amount of moneys received for licenses under said act, in the whole county of Dutchess, for each year.

Duty of
commissioners of
excise.

The commissioners of excise of the county of Dutchess, at the time of paying over to the commissioners of the almshouse of said city of Poughkeepsie, as required by the fourth section of this act, the amount collected by them for licenses granted under the said act to suppress intemperance and regulate the sale of intoxicating liquors, in each year shall deliver to the said commissioners of the almshouse of the city of Poughkeepsie, a statement setting forth:

Ib.

1. The whole amount received by them in such year for licenses.

Ib.

2. The amount received by them for licenses under said act, to residents of the city of Poughkeepsie.

Ib.

3. The whole amount of their lawful compensation and expenses for such year in hearing applications for licenses and granting licenses under said act, in the county of Dutchess; which statement shall be

Ib.

signed and certified to be correct by said commissioners of excise.

Commissioners of excise may deduct expense of collecting.

§ 6. Whenever the commissioners of excise of the county of Dutchess shall collect and receive any moneys for penalties incurred under the provisions of said act, for violations thereof committed in the city of Poughkeepsie, they shall deduct all lawful expenses for collecting such penalties, and pay over the residue thereof to the commissioners of the alms house of the city of Poughkeepsie, for the support of the poor of said city.

Duty of recorder.

§ 7. The recorder of the city of Poughkeepsie shall pay over to the said commissioners of the alms house of the city of Poughkeepsie, all fines he may collect and receive for violations of the said "Act to suppress intemperance and regulate the sale of intoxicating liquors."

Money in the treasury to be paid over.

§ 8. All moneys now in the hands of the county treasurer, for licenses and penalties collected in the city of Poughkeepsie under said act, and all moneys in the hands of the recorder or supervisors of said city, for fines imposed under said act (for suppressing intemperance), shall be paid to the said the commissioners of the alms house of the city of Poughkeepsie.

Fines to be paid over.

§ 9. All fines heretofore imposed, or which may hereafter be imposed by any court of criminal jurisdiction in the county of Dutchess, for violations of said "Act to suppress intemperance and to regulate the sale of intoxicating liquors," committed in the city of Poughkeepsie, shall be paid by the district attorney or other officer receiving the same, to the commissioners of the alms house of the city of Poughkeepsie, for the support of the poor of said city.

Superintendent of poor to keep an office.

His duties.

§ 10. The said superintendent of the poor shall keep an office, to be provided for him by the said commissioners, in the city of Poughkeepsie, which shall be open and accessible to those having business therein, at such hours as said commissioners may designate. He shall devote his time and attention to the discharge of his public duties, and shall, amongst other things, attend the meetings of the said board of commissioners, and act as the secretary thereof. He shall aid them in the examination into the circumstances and conditions of the poor persons applying for or entitled to relief, as provided in the second subdivision of section third of this act, and shall

keep a record of such examinations. He shall keep the minutes of the proceedings of the commissioners, and an account of their receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare their annual and other reports. He shall carry into effect the orders and directions of the said commissioners in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time.

§ 11. The said commissioners shall annually, on the first day of November in each year, cause to be prepared a report containing an exact and accurate account of all moneys received by them, and the sources from whence such moneys were received during the preceding year; an exact and accurate account of all their expenditures, and of all debts incurred by them, which are unpaid for the same period of time, and the objects for which such debts were incurred, and to which such expenditures were applied, and to the persons to whom they were paid, for the same period of time also; the number of persons admitted and discharged from the alms house; the number of those provided with out door relief; the expenses incurred for keeping and supplying such alms house, and the expenses incurred for such out door relief during the year; which said report shall be signed by the said commissioners and superintendents, and filed in the office of the chamberlain of such city, and published in two newspapers published in said city of Poughkeepsie.

Commissioners to make report.

§ 12. The said commissioners shall also, on the first day of November in each year, make a written estimate, to be signed by them, of the amount of moneys which in their judgment, will be required for the support of the poor of said city during the year; which said estimate shall, by said commissioners, be laid before the board of supervisors of the county of Dutchess, at their next annual meeting, who shall cause the moneys in said estimate mentioned, to be levied and collected on the said city, at the same time and in the same manner as the other taxes are levied and collected; and they shall also, by their warrant, direct and require the collector to pay the same when collected to the said commissioners, who

Estimate of amount for support of poor to be made.

shall apply the same to the relief and support of the poor in the manner herein directed.

City to receive proportion of the value of county poor house, &c.

§ 13. The city of Poughkeepsie shall be entitled to receive from the board of supervisors of the county of Dutchess, in money, its fair and just proportion of the estimated value of the county poor house, farm and buildings, with the appurtenances and the personal property thereon being belonging to said county, which proportion shall be in the same ratio to the ascertained value of the said poor house and farm, with the appurtenances and personal property, as the amount of State and county taxes charged upon the city of Poughkeepsie bears to the aggregate amount of State and county taxes charged upon the county of Dutchess, according to the assessment rolls of said city, and of the several towns in said county for the year eighteen hundred and sixty-two, for the purpose of ascertaining the value of the said county poor house, farm and personal property, the said board of supervisors shall, on the second day of their next annual meeting, by resolution, appoint one competent and disinterested person as an appraiser; and the said commissioners shall also appoint, by like resolution, one other competent and disinterested person as an appraiser, who shall proceed with all convenient speed to examine the said property and to estimate and appraise all value of the said real and personal property; which said estimate and appraisal shall be in the form of a report in writing, and shall specify the several pieces and items of property, with the value thereof, and shall be signed by the said appraisers, and filed with the clerk of the said board of supervisors; and the aggregate amount of such values shall be deemed and taken to be the true value of such real and personal property. If the said appraisers shall disagree and become unable, by reason thereof, to make such report, they shall certify such disagreement in writing, under their hands, to one of the justices of the supreme court, who shall thereupon, by an order to be entered for that purpose, appoint one other competent and disinterested person as an additional appraiser, to estimate and appraise the value of such property; and the said three appraisers shall then proceed to re-examine the said property, and to make an appraisement of the value thereof; and the written report of the said apprai-

Appraiser.

sers, or any two of them, made, signed and filed as hereinbefore mentioned, shall be final and conclusive as to the value of such real and personal property. The reasonable fees and expenses of the said appraisers, for making such estimate and appraisal, shall be paid by the board of supervisors as a part of the county expenses. The said board of supervisors shall cause the first proportion of the city of Poughkeepsie, in the said real and personal property, when estimated and ascertained as aforesaid, to be assessed upon and collected from the towns of the said county of Dutchess, excluding the city of Poughkeepsie; and shall cause the same, when so collected, to be paid over to the said commissioners of the almshouse. The appraisers mentioned in this section shall also estimate the number of paupers contained in the Dutchess county poor house at the time of such appraisal, and shall set apart as belonging to the city of Poughkeepsie such number of said paupers as shall be equitable, assuming as the basis for such division the proportion which the money apportioned to the city of Poughkeepsie shall bear to the whole amount of county house property, and such proportion of the principal aforesaid shall be taken to the city of Poughkeepsie and maintained at the cost of the city of Poughkeepsie; and in case of a sale of the said county poor house, farm, and the personal property thereon, or either, then the said city of Poughkeepsie shall be entitled to receive from the said board of supervisors its fair and just proportion of the amount of such sale or sales, as herein provided; which money shall be paid to the said commissioners of the alms house.

Pay of appraisers.

Paupers to be numbered.

Sale of poor house.

§ 14. The said commissioners shall apply such moneys to the purchase of the lands for an alms house, and to defray the expense of erecting buildings thereon, or to the payment and satisfaction of any debt contracted by them for such lands, alms house and buildings. All other moneys required by them for procuring and paying for such lands, alms house and buildings, and for furnishing the same with farming stock and utensils, and furniture, not exceeding in all the said sum of * thousand dollars, shall be assessed upon and collected from the city of Poughkeepsie, and paid over to the said commissioners in the manner as provided in section thirteen of this act.

Application of money.

* So in original.

shall apply the same to the relief and in the manner herein directed.

City to receive proportion of the value of county poor house, &c.

§ 13. The city of Poughkeepsie receive from the board of supervisors Dutchess, in money, its fair estimated value of the county, with the appurtenances thereon being belonging to the city, shall be in the same manner as the said poor house and personal property taxes charged upon the aggregate amount upon the county rolls of said city for the year ending on the first day of January next.

Appraiser.

house, for the supervision of the meeting of the interest shall be paid out of any moneys raised for the purpose of the poor as herein mentioned.

Commissioners of the poor shall not be concerned or interested in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the said city of Poughkeepsie; nor shall such commissioners and superintendents, or either of them, take or receive any profit, reward or emolument for or on account of any goods, merchandise or personal property found, furnished or provided, by any person or persons other than such commissioners, for the use of the poor of said city, every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment.

Board of supervisors and city of Poughkeepsie

§ 19. No person shall be disqualified from acting as judge, recorder, justice, witness or juror, by reason of

resident, inhabitant or freeholder in said city
 gie, in any action or proceeding in which
 seioners of the alms house are a party.

qualified in
 suits.

ls of the city of Poughkeepsie shall not,
 sage of this act, be entitled to vote for super-
 of the poor of Dutchess county at any election
 officer.

§ 20. All the provisions of the Revised Statutes, in
 tion to the settlement of the poor and their removal
 om one county to another, shall be understood to ap-
 ply to the two divisions into which the county of Dutchess
 is divided by this act.

Application
 of statutes.

§ 21. Nothing in this act contained shall be construed
 as requiring the treasurer of the county of Dutchess to
 pay over to the said "commissioners of the alms house
 of the city of Poughkeepsie" any part of the ten per
 cent received from the board of commissioners of excise
 of said county, and required by law to be by said trea-
 surer paid to the treasurer of the State Inebriate Asylum.

Proviso.

§ 22. This act shall take effect immediately.

Chap. 287.

AN ACT relative to certain religious societies
 in the city of New York.

Passed April 29, 1863.

*The People of the State of New York, represented in
 Senate and Assembly, do enact as follows:*

SECTION 1. Whereas several religious societies whose
 places of worship are in the city of New York, seeking
 to incorporate themselves under the provisions of an act
 entitled "An act to provide for the incorporation of re-
 ligious societies," passed April fifth, eighteen hundred
 and thirteen, have through mistake, caused the certificate
 provided for by the first section of said act, to be recorded
 in the office of the clerk of the city and county of New
 York, instead of the office of the register of the city and
 county of New York. Now, therefore, be it enacted,
 that the recording of every such certificate in the said
 office of the clerk of the city and county of New York,
 prior to the passage of this act be regarded and construed,

signed and certified to be correct by said commissioners of excise.

Commissioners of excise may deduct expense of collecting.

§ 6. Whenever the commissioners of excise of the county of Dutchess shall collect and receive any sum of money for penalties incurred under the provisions of this act for violations thereof committed in the city of Poughkeepsie, they shall deduct all lawful expenses incurred in collecting such penalties, and pay over the residue to the commissioners of the almshouse of the city of Poughkeepsie, for the support of the poor of said city.

Duty of recorder.

§ 7. The recorder of the city of Poughkeepsie shall pay over to the said commissioners of the almshouse of the city of Poughkeepsie, all fines he may receive for violations of the said "Act to suppress intemperance and regulate the sale of intoxicating liquors."

Money in the treasury to be paid over.

§ 8. All moneys now in the hands of the collector, for licenses and penalties collected in the city of Poughkeepsie under said act, and all moneys now in the hands of the recorder or supervisors of said city, for fines imposed under said act (for suppressing intemperance) shall be paid to the said commissioners of the almshouse of the city of Poughkeepsie.

Fines to be paid over.

§ 9. All fines heretofore imposed, or which may hereafter be imposed by any court of criminal jurisdiction in the county of Dutchess, for violations of said "Act to suppress intemperance and to regulate the sale of intoxicating liquors," committed in the city of Poughkeepsie, shall be paid by the district attorney or other officer receiving the same, to the commissioners of the almshouse of the city of Poughkeepsie, for the support of the poor of said city.

Superintendent of poor to keep an office.

§ 10. The said superintendent of the poor shall keep an office, to be provided for him by the said commissioners of the almshouse, in the city of Poughkeepsie, which shall be accessible to those having business therein, at such place as said commissioners may designate. He shall devote his time and attention to the discharge of his duties, and shall, amongst other things, attend to the business of the said board of commissioners, and act as secretary thereof. He shall aid them in the execution of the act, and in the circumstances and conditions of the cases applying for or entitled to relief, as provided in the second subdivision of section third of this act,

His duties.

record of such examinations. He shall keep the
 es of the proceedings of the commissioners, and an
 at of their receipts and disbursements, together
 he names of the persons relieved, the manner of
 ief, and the time when it was rendered, and pre-
 their annual and other reports. He shall carry into
 the orders and directions of the said commissioners
 ributing relief to poor persons, and generally per-
 l such duties as may be assigned to him from time

. The said commissioners shall annually, on the
 y of November in each year, cause to be prepared
 t containing an exact and accurate account of all
 s received by them, and the sources from whence
 oneys were received during the preceding year;
 et and accurate account of all their expenditures,
 all debts incurred by them, which are unpaid for
 e period of time, and the objects for which such
 were incurred, and to which such expenditures
 pplied, and to the persons to whom they were
 or the same period of time also; the number of
 s admitted and discharged from the alms house;
 mber of those provided with out door relief; the
 s incurred for keeping and supplying such alms
 and the expenses incurred for such out door relief
 the year; which said report shall be signed by
 l commissioners and superintendents, and filed in
 ce of the chamberlain of such city, and published
 newspapers published in said city of Pough-

Commis-
 sioners to
 make re-
 port.

. The said commissioners shall also, on the first
 November in each year, make a written estimate,
 gned by them, of the amount of moneys which in
 dgment, will be required for the support of the
 said city during the year; which said estimate
 y said commissioners, be laid before the board of
 sors of the county of Dutchess, at their next
 meeting, who shall cause the moneys in said esti-
 mation, to be levied and collected on the said
 the same time and in the same manner as the
 axes are levied and collected; and they shall also,
 r warrant, direct and require the collector to pay
 ne when collected to the said commissioners, who

Estimate of
 amount for
 support of
 poor to be
 made.

shall apply the same to the relief and support of in the manner herein directed.

City to receive proportion of the value of county poor house, &c.

§ 13. The city of Poughkeepsie shall be entitled to receive from the board of supervisors of the county of Dutchess, in money, its fair and just proportion of the estimated value of the county poor house, farm and personal property, with the appurtenances and the personal property thereon being belonging to said county, which proportion shall be in the same ratio to the ascertained value of the said poor house and farm, with the appurtenances and personal property, as the amount of State and county taxes charged upon the city of Poughkeepsie bears to the aggregate amount of State and county taxes charged upon the county of Dutchess, according to the assessed rolls of said city, and of the several towns in said county for the year eighteen hundred and sixty-two. For the purpose of ascertaining the value of the said county poor house, farm and personal property, the said board of supervisors shall, on the second day of their next annual meeting, by resolution, appoint one competent and disinterested person as an appraiser; and the said common council shall also appoint, by like resolution, one other competent and disinterested person as an appraiser, who shall proceed with all convenient speed to examine and appraise the said real and personal property and to estimate all value of said real and personal property; which said estimate and appraisal shall be in the form of a report in writing, in which shall specify the several pieces and items of property with the value thereof, and shall be signed by both said appraisers, and filed with the clerk of the said board of supervisors; and the aggregate amount of such estimate shall be deemed and taken to be the true value of the said real and personal property. If the said appraisers disagree and become unable, by reason thereof, to make such report, they shall certify such disagreement in writing, under their hands, to one of the justices of the supreme court, who shall thereupon, by an order entered for that purpose, appoint one other competent and disinterested person as an additional appraiser, who shall estimate and appraise the value of such property. Then the said three appraisers shall then proceed to re-examine the said property, and to make an appraisement of the value thereof; and the written report of the said

Appraiser.

any two of them, made, signed and filed as before mentioned, shall be final and conclusive as to the value of such real and personal property. The whole fees and expenses of the said appraisers, for such estimate and appraisal, shall be paid by the board of supervisors as a part of the county expenses. The board of supervisors shall cause the first proportion of the city of Poughkeepsie, in the said real and personal property, when estimated and ascertained as above, to be assessed upon and collected from the said county of Dutchess, excluding the city of Poughkeepsie; and shall cause the same, when so assessed, to be paid over to the said commissioners of the almshouse. The appraisers mentioned in this section shall also estimate the number of paupers contained in the Dutchess county poor house at the time of such assessment, and shall set apart as belonging to the city of Poughkeepsie such number of said paupers as shall be determined, assuming as the basis for such division the proportion which the money apportioned to the city of Poughkeepsie shall bear to the whole amount of county house expenses, and such proportion of the principal aforesaid shall be paid to the city of Poughkeepsie and maintained at the said city of Poughkeepsie; and in case of a sale of the said county poor house, farm, and the personal property contained in or either, then the said city of Poughkeepsie shall be entitled to receive from the said board of supervisors its just proportion of the amount of such sale or sales, as may be provided; which money shall be paid to the said commissioners of the alms house.

Pay of appraisers.

Paupers to be numbered.

Sale of poor house.

The said commissioners shall apply such moneys to the purchase of the lands for an alms house, and to the expense of erecting buildings thereon, or to the payment and satisfaction of any debt contracted by them for such lands, alms house and buildings. All moneys required by them for procuring and paying for lands, alms house and buildings, and for furnishing the same with farming stock and utensils, and furniture not exceeding in all the said sum of * thousand dollars, shall be assessed upon and collected from the city of Poughkeepsie, and paid over to the said commissioners in the manner as provided in section thirty-four of this act.

Application of money.

* So in original.

Foreign
paupers.

§ 15. The commissioners of emigration of this State shall from time to time pay to the said commissioners of the alms house of the city of Poughkeepsie all moneys expended by them for the support of foreign paupers in the said city, out of the commutation moneys in the hands of such commissioners of emigration, according to the provisions of the act "Concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven, and the several acts amending the same.

No compen-
sation, but
expenses
paid.

§ 16. The said commissioners of the alms house shall receive no compensation for their services whatever, for any services to be rendered by them under the provisions of this act, but all reasonable and proper expenses incurred by them in executing their trusts as such commissioners shall be paid out of any moneys raised for the support of the poor as herein mentioned.

Oath may
be taken be-
fore com-
missioner
or superin-
tendent.

§ 17. Whenever it shall become necessary to take proof of any fact or facts by affidavits or otherwise, to entitle the said commissioners of the alms house to receive moneys from the commissioners of emigration, or any other fact, the proof of which may be necessary to enable the said commissioners of the alms house to carry into effect the provisions of this act, such oath may be administered by, and such affidavit taken before, any one of the said commissioners or of the said superintendent of the poor, who are hereby authorized to administer oaths.

Commis-
sioner or
superinten-
dent not to
be interest-
ed in cer-
tain sales.

§ 18. It shall not be lawful for the said commissioners of the alms house, or either of them, or the said superintendents of the poor to be concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the said city of Poughkeepsie; nor shall such commissioners and superintendents, or either of them, take or receive any profit, reward or emolument for or on account of any goods, merchandise or personal property found, furnished or provided, by any person or persons other than such commissioners, for the use of the poor of said city, every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment.

Residents
and others
not dis-

§ 19. No person shall be disqualified from acting as judge, recorder, justice, witness or juror, by reason of

his being a resident, inhabitant or freeholder in said city of Poughkeepsie, in any action or proceeding in which the said commissioners of the alms house are a party. The inhabitants of the city of Poughkeepsie shall not, after the passage of this act, be entitled to vote for superintendent of the poor of Dutchess county at any election for such officer. qualified in suits.

§ 20. All the provisions of the Revised Statutes, in relation to the settlement of the poor and their removal from one county to another, shall be understood to apply to the two divisions into which the county of Dutchess is divided by this act. Application of statutes.

§ 21. Nothing in this act contained shall be construed as requiring the treasurer of the county of Dutchess to pay over to the said "commissioners of the alms house of the city of Poughkeepsie" any part of the ten per cent received from the board of commissioners of excise of said county, and required by law to be by said treasurer paid to the treasurer of the State Inebriate Asylum. Proviso.

§ 22. This act shall take effect immediately.

Chap. 287.

AN ACT relative to certain religious societies
in the city of New York.

Passed April 29, 1863.

*The People of the State of New York, represented in
Senate and Assembly, do enact as follows :*

SECTION 1. Whereas several religious societies whose places of worship are in the city of New York, seeking to incorporate themselves under the provisions of an act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, have through mistake, caused the certificate provided for by the first section of said act, to be recorded in the office of the clerk of the city and county of New York, instead of the office of the register of the city and county of New York. Now, therefore, be it enacted, that the recording of every such certificate in the said office of the clerk of the city and county of New York, prior to the passage of this act be regarded and construed,

and such recording is hereby declared to be of the same validity, force and effect as would have been the recording of such certificate in the office of the register of the city and county of New York, and every act, deed, matter and thing done or performed by every such religious society since the recording of its certificate in the office of said clerk, is hereby ratified and confirmed and declared to be as valid in all respects as if said certificate had been recorded in the office of said register; but this act shall not affect any suit or proceeding already commenced arising out of such original mistake.

§ 2. This act shall take effect immediately.

Chap. 288.

AN ACT to authorize the commissioners for loaning certain moneys of the United States, of the county of Allegany, to assign a mortgage held by them, officially made by Hiram Blivin, on receiving the amount thereof.

Passed April 29, 1863; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever the commissioners for loaning certain moneys of the United States of the county of Allegany shall have received in full the principal and interest unpaid on a mortgage made by them to Hiram Blivin, dated the thirteenth of October, eighteen hundred and forty-nine, and recorded in said county in book number one of loan mortgages, at page four hundred and and thirty-two, they may assign the same to the person who shall pay to them the said principal and interest, or to whomsoever he shall in writing direct, and the assignee thereof, his representative and assigns may take, hold and enforce the same in all the forms and proceedings of law now in force for the enforcement and collection of mortgages, and may execute and deliver a discharge of the same, and may release from the lien and operation thereof any portion of the land therein described.

§ 2. If such assignee, his representative or his assigns shall execute a discharge of the said mortgage, the county

clerk of Allegany county shall record the same, and shall write upon the said original in said book of loan office mortgages the fact that such mortgage has been discharged in the same manner and form and with the same effect as he notes the discharge of any other mortgage recorded in his office.

§ 3. This act shall take effect immediately.

Chap. 289.

AN ACT to authorize the Comptroller to admit and credit certain taxes upon non-resident lands in the county of Chemung.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The comptroller is authorized to admit and credit to the treasurer of Chemung county the taxes upon certain non-resident lands in the towns of Baldwin, Erin and Van Etten, in said county, returned in the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, eighteen hundred and fifty-nine and eighteen hundred and sixty, and rejected by the comptroller, and the said taxes shall be charged upon said non-resident lands, and shall be enforced and collected in the same manner and with the same effect as if they had been levied and returned for the year eighteen hundred and sixty-two.

§ 2. This act shall take effect immediately.

Chap. 290.

AN ACT to amend an act entitled "An act to provide for a supply of water in the village of Cohoes," passed April twelfth, eighteen hundred and fifty-six.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of the act entitled "An act to provide for a supply of water in the village of Cohoes," passed April twelfth, eighteen hundred and fifty-six, is hereby amended by adding at the end thereof the following words:

Signing of
contracts in
behalf of
village.

All contracts made by the water commissioners shall be signed, on the part and in behalf of the village, by the president of said board, and the secretary shall attest the same.

§ 2. Section twenty-two of said act is hereby amended by adding to the end of said section the following:

Collection
of water
rents.

The said superintendent shall collect all water rents established by the commissioners, by virtue of the warrant to be issued to him for that purpose, by the commissioners, as hereinafter provided, and for that purpose he is hereby invested with the same power and authority as is now conferred by law upon the collector of the village, for the collection of taxes for village purposes; but said superintendent shall not receive any other or further compensation for any collection of water rents, made by him under this act, than is provided for his salary under the act hereby amended.

Amend-
ment.

§ 3. Section twenty-three of said act is hereby amended by prefixing the word "semi" to the word "annually," in the second line of said section, and by adding at the end of said section the following:

Scale of
water rents
to be made.

And the said commissioners are also authorized to establish a scale of water rents, to be charged and paid as aforesaid, and apportioned to the different classes of buildings in said village, not situated upon streets through which the pipes are or may be laid, when such buildings are protected from fire by means of said water

works, in proportion to the protection which they respectively receive therefrom, as compared with other property liable to water rents for fire purposes, under the provisions of the act hereby amended, and they may also establish a scale of water rents, to be charged and paid as aforesaid, and apportioned to the different classes of buildings not situated upon streets where the pipes are or may be laid, when the water is taken from said pipes and used in such building or buildings, and the said water commissioners are hereby authorized and directed to issue a warrant semi-annually at such times as may be necessary and fixed by said commissioners for that purpose to the superintendent of the water works for the collection of said water rents. Such warrants shall be issued in the same manner and form as near as may be practicable, returnable within sixty days from the time of issuing the same, as is now provided by law for the collection of taxes in said village for village purposes; or upon the lots to which such buildings belong, for the benefit or use of the occupants of such building, and the water commissioners are hereby authorized and directed to issue their warrant to the superintendent of the water works, within thirty days after the passage of this act, in the same manner and form, as near as may be practicable, as is now provided by law for the collection of taxes for village purposes in said village, for the collection of all water rents charged upon the real estate and in arrears and uncollected at the time of the passage of this act, and in any case where the real estate or property upon which such water rents are or shall be a lien, is not properly or sufficiently described to authorize the leasing thereof by the trustees of the village as herein-after provided, the said commissioners are hereby authorized and directed so to modify, alter and amend such description before the issuing of such warrants as to make the same more definite and certain, and when necessary, to state the owner or occupant of such real estate at the time said water rents were established by said water commissioners.

Warrant
for collection thereof.

§ 4. Section twenty-five of said act is hereby amended so as to read as follows :

The water commissioners shall annually, on the first day of April in each year, certify and report to the

Report to
trustees by
water commissioners.

trustees of the village the amount of water rents charged upon any lot, premises, real estate or property, which the superintendent of the water works shall return, upon the warrant issued to him by the commissioners, on oath, as uncollected, and that he could not, previous to the return day of the warrant issued to him as aforesaid, for the collection of said water rents, find any property within the village, out of which he could collect such tax, and the trustees of the village, upon the receipt of such certificate and report, shall lease the real estate upon which such water rent shall be a lien or charge, as provided in the act hereby amended, in the same manner, as nearly as practicable, as is provided in the act under which said village was incorporated, and the several acts amendatory thereof, so far as the same relates to the village of Cohoes, for the collection of unpaid taxes for village purposes. All moneys collected under this provision shall be immediately paid to the treasurer of the water fund.

Chap. 291.

AN ACT appropriating certain waters to the use of the Clinton State Prison, and to make compensation therefor.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
of agent of
prison.

SECTION 1. The agent of the Clinton State prison, in this State, is hereby authorized to appropriate to the use of the said prison all waters and streams of water on lot number sixty-five, in the town of Dannamora, in the tract of land known as the Gore, lying between the military township and the Canadian and Nova Scotia refugee tract, in the county of Clinton, and on the lot or tract of land situated in the said town of Dannamora, of about five hundred acres, granted by the people of the State of New York to Pierre Ayotte, known as the Hocksteasser lot, and on lot number five of Pion patent, so called, in said county, and to convey the said waters to the said prison from the said lots, respectively, by the ditches now

used for that purpose, and to continue, maintain and keep the said ditches in good repair and condition to convey said waters to the said prison, and, for the purpose of conveying said waters to said prison, to dig and maintain all other necessary ditches, and at all proper and reasonable times to enter in and upon the lands through which the said ditches run, or may run, to repair and put the same in good condition.

§ 2. It shall be the duty of the inspectors of the State prisons of this State, within six months after this act shall take effect, to make application to the supreme court of this State, at a special term thereof to be held in the fourth judicial district, for the appointment of commissioners to estimate the damages herein provided to be paid, and the said court shall, on such application, appoint three commissioners, non-residents of the county of Clinton and not interested in the lands through which the streams of water so appropriated, or either of them, may have previously run, or in the lands through which the said ditches, or either of them, run, or may run, and not of kin to any person interested in said lands or water. The said commissioners shall personally examine the said lands through which said streams of water, or either of them, may have previously run, and the lands through which the said ditches run, and may run, and hear the proof and allegations of the parties sustaining or claiming damages, and of the said inspectors, and make an estimate of the damages any owner or owners or occupants of said lands may have sustained by reason of such appropriation of water, or by reason of the said ditches, or either of them, and of their maintenance, which estimate shall be reduced to writing, and be subscribed and sworn to by the said commissioners, and then transmitted to the comptroller of this State, who shall issue his warrant upon the treasurer of the State for the respective amounts, who shall thereupon pay the estimated damages to the person or persons entitled thereto out of any moneys in the hands of the treasurer of this State not otherwise appropriated.

Duty of inspectors of state prisons.

§ 3. The inspectors of the State prisons of this State shall cause notice to be given to the persons interested in the lands through which the said streams may have previously run and in the lands through which the said

Notice to owners of lands.

ditches run, or may run, of the application to be made by them to the supreme court of this State for the appointment of the commissioners as aforesaid, by causing a notice thereof, giving the time and place of such application, to be published once in each week for six weeks successively prior to the time of such application, in a public newspaper published in the said county of Clinton, and also in the State paper.

Commissioners to make return to comptroller

§ 4. It shall be the duty of the said commissioners to ascertain, at or prior to the time of making their estimate of damages as aforesaid, the names of the several owners of and persons interested in the lands through which said streams of water so appropriated may have previously run, and in the lands through which the said ditches run, or may run, and to make a return thereof, in writing, to the Comptroller of this State, with their estimate of damages, and in their said estimate of damages to state separately the share or portion of damages to which each of the several owners or persons interested in the said lands shall be entitled.

Commissioners to estimate damages to lands.

§ 5. The said commissioners shall, on the application of any person claiming damages by reason of the said appropriation of such waters, or by reason of the said ditches, or of any or either of them, or on the application of the inspectors of State prisons in this State, appoint a time when they will personally examine the said lands for the purpose of making an estimate of damages as herein provided, and also the time and place when they will hear the said proofs and allegations, which time shall be not less than thirty days nor more than sixty days from the time of making such appointment, and notice thereof shall be given by the said commissioners by the publication thereof, giving the time of their meeting to examine the said lands, in the above mentioned newspapers for three weeks, once in each week, prior to the time of such meeting, and the said hearing may be adjourned from time to time, as the said commissioners may for any cause deem necessary.

Pay of commissioners.

§ 6. A reasonable allowance for the services of said commissioners, not exceeding five dollars per day for the time actually and necessarily spent by them respectively in making said estimate, and all necessary disbursements, to be verified by their oaths, and to be audited by the

Comptroller, shall be paid to them out of any moneys in the hands of the treasurer not otherwise appropriated.

§ 7. This act shall take effect immediately.

Chap. 292.

AN ACT in relation to the Oswego and Rome Railroad.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Oswego and Rome Railroad Company is hereby authorized and empowered to use for the principal track of its railroad, iron weighing not less than forty-five pounds to the lineal yard, provided that all iron on the main track weighing less than fifty-six pounds to the yard shall be of American iron, in bars not less than twenty-eight feet in length, and laid on ties with eight inches in width of face, and not less than twenty-eight hundred in number to the mile.

§ 2. This act shall take effect immediately.

Chap. 293.

AN ACT to incorporate the Lithographers' Benevolent Association of the city of New York.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Henry C. Hutchins, John Smith, Andrew Fogarty, George I. States, James J. O'Neill, and such other persons as now are, or hereafter shall become, members of said association, are hereby constituted a body corporate, by the name of the Lithographers' Benevolent Association of the city of New-York.

§ 2. The object and purpose of said corporation is to accumulate a fund for the aid of its members in disablement, sickness and distress, and to aid and assist widows, children and families of its deceased members.

§ 3. The said corporation shall have power of prescribing rules and regulations for the government and management of its affairs, for the admission or expulsion of members, and to enable it to carry out the object of its incorporation.

§ 4. The location and place of business of said corporation shall be in the city and county of New York.

§ 5. The said corporation shall possess all the powers of an ordinary corporation, subject to the provisions of title third, chapter eighteen of part first of the Revised Statutes, so far as the same are applicable.

§ 6. This act shall take effect immediately.

Chap. 294.

AN ACT to alter the boundaries of the Evergreen Cemetery Association, in the town of Henderson, Jefferson county.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever the trustees of the Roberts' Corners burial ground shall convey to the trustees of Evergreen Cemetery Association, all the right, title and interest they have in the old burial ground, adjoining land purchased by said association, it shall be lawful for the trustees of said association to inclose said old burial ground, together with all land purchased by said trustees, in one lot, and the said trustees shall have the same power to protect, improve and embellish said old burial ground as they have to protect, improve and embellish land purchased by said trustees.

§ 2. Any person owning a lot in the old burial ground shall be considered a member of the Evergreen Cemetery Association of the town of Henderson, and entitled to the same privileges with those who purchased lots from lands bought by said association.

§ 3. All general laws authorizing the incorporation of cemetery associations and for the protection of property and the rights of the same, and all laws relating to said

associations, except as herein provided, shall be applicable to said association.

§ 4. This act shall take effect immediately.

Chap. 295.

AN ACT to incorporate the German Roman Catholic Orphan Association of Rondout.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. William Rieser, Theodore Limberg, Jacob Derrenbacher, John Derrenbacher, Nicholas Huber, Valentine Modry, Jacob Fox and William Bertsche, their associates and successors, are hereby declared and created a body politic and corporate in deed and in law, by the name, style and title of "St. Peter's Rondout German Roman Catholic Orphan Association," to have perpetual succession, to use a common seal, to sue and be sued, implead and be impleaded in all courts of this State or elsewhere, and to take, hold and enjoy lands, tenements and hereditaments, goods and chattels, or choses in action, and the same from time to time to grant, alien and dispose of, and to make such by-laws for their government, for the qualification of members, and for the admission of more members into the corporation, and for the transaction of business as they shall from time to time deem necessary, provided that said by-laws shall not be repugnant to nor inconsistent with the constitution and laws of the United States or of this State.

§ 2. The business and affairs of the said corporation shall be transacted and conducted by a board of eight managers, who shall have the entire control and management of the same, and who shall be chosen by the members of the association as follows: Immediately or as soon as may be after the passage of this act the members of this association shall elect eight managers, four of whom shall hold their office one year, and the remaining four shall hold their office two years; and annually thereafter four managers shall be elected who shall serve two years. At the first election it shall be determined

by lot which four of said managers shall serve for one year.

§ 3. The said board of managers shall annually, at their first meeting after the election of managers, choose by ballot from among themselves a president, vice-president, treasurer and secretary.

§ 4. The essential objects of the said corporation shall be for the relief, support, maintenance and education of orphan and destitute children, chiefly of German birth and origin, and the board of managers of said corporation shall be able and capable in law, and they are hereby empowered to receive and take charge of any such child or children deprived of one or both parents, or children whose parents, though living, are incompetent or unable to support them, by and with the consent in writing of such parent or guardian, and not without such consent.

Chap. 296.

AN ACT in relation to the Orphan Asylum Society in the city of New York.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The corporation now existing and known as "The Orphan Asylum Society in the city of New York," is authorized and empowered to take, receive and hold by purchase, gift, devise or bequest from any person or persons, estate, real, personal, or mixed, to an amount not exceeding that which it is now by law authorized to own, hold or take, subject to the provisions of existing laws.

§ 2. This act shall take effect immediately.

Chap. 297.

AN ACT to amend an act entitled "An act to authorize the Canal Commissioners to construct a road bridge on the Erie canal in the village of Cohoes," passed April 17, 1858.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of the act entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Erie canal in the village of Cohoes," passed April seventeenth, eighteen hundred and fifty-eight, is hereby amended so as to read as follows:

§ 1. The Canal Commissioners are hereby authorized to construct, or cause to be constructed and maintained at the expense of the State, over the Erie canal in the village of Cohoes, at or near the intersection of White street, a road bridge, in such manner as they may deem advisable, and that the expense of the same be paid from any money appropriated to repairs of the Erie canal, provided that after investigation and examination into all the facts in relation to the application for said bridge, the board of Canal Commissioners shall be of opinion that the State is under legal and equitable obligation to build said bridge. And provided, further, that before proceeding to the construction of any such bridge, the Canal Commissioners shall require and receive a full and sufficient release, legally executed, acknowledged and delivered, free of expense to the State, of all claims for damages in consequence of the construction of said bridge, or of the approaches and embankments of the same, and also a good and sufficient grant or permission to the State, duly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments whenever necessary, which necessity is to be determined by the Canal Commissioners. from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments. The said Canal Commissioners shall enter or cause to be entered in a Book of Records to be kept in their office, all the testi-

mony and facts appearing upon the investigation and examination above referred to, and their determination thereon, whether such determination be favorable or adverse to such application.

Chap. 298.

AN ACT relating to an assessment in Brooklyn.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the collector of the assessments, made in pursuance of chapter four hundred and eighty-four of the Laws passed in the year eighteen hundred and fifty-nine, to deposit in the office of the collector of taxes of the city of Brooklyn the original assessment list, signed by the commissioners appointed under the act aforesaid, to cancel every assessment set down in said list which has been heretofore paid, within ten days after the passage of this act, and also all such assessments as shall be hereafter paid, within five days after the payment thereof. The amounts which the several persons named in said assessment list are liable to pay, may be sued for and recovered by the collector of said assessment, provided, that in any action brought for this purpose no costs except disbursements shall be recovered by said collector unless the amount recovered exceeds two hundred and fifty dollars.

§ 2. This act shall take effect immediately.

Chap. 299.

AN ACT to amend an act entitled "An act to incorporate the Roman Catholic Orphan Asylum Society of the city of Rochester," passed May fourteenth, eighteen hundred and forty-five.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter three hundred and thirty of the Laws of eighteen hundred and forty-five, is hereby amended so as to read as follows :

The said corporation may receive, take and hold by gift, devise or purchase real and personal estate subject to all provisions of law now existing, to be employed and disposed of according to the objects and intents of this act. But such property, exclusive of the buildings and grounds occupied by or appropriated to the immediate use of their asylum, shall not exceed the annual income of forty dollars for each child received and continued in the institution.

§ 2. This act shall take effect immediately.

Chap. 300.

AN ACT to incorporate the Onondaga Historical Association.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Joshua V. H. Clark, Truman R. Wright, George Geddes, Jonathan Kneeland, James M. Clark, Jacob V. Loomis, James S. Leach, Homer D. L. Sweet, James Noxon, William Baungrass, Samuel N. Holmes, Nathaniel B. Smith, Robert Townsend, John A. Green, Jr., Robert F. Trowbridge, William W. Willard, John N. Baker and Amos Westcott and their associates, who now are and such other persons as shall hereafter become members of the said association, are hereby created a

body politic and corporate by the name of "The Onondaga Historical Association."

§ 2. The said corporation is created for the purpose of collecting and preserving historical, genealogical, scientific and literary material, and mementoes, books, maps, charts, pamphlets, magazines, papers, relics and facts in any form having a connection with either of said subjects.

§ 3. The persons named in the first section of this act shall be the first directors of said association, and six of the said directors shall be sufficient to constitute a quorum of the Board.

§ 4. The said corporation may hire suitable rooms or buildings for their purposes, and make and enter into leases therefor, or may purchase, take and hold real estate for the purposes aforesaid, not exceeding in value the sum of fifty thousand dollars, and may in addition, take and hold by gift, grant or devise, subject to the limitations prescribed by law, real and personal property, not to exceed in value the sum of one hundred thousand dollars.

§ 5. The buildings of the said corporation, in which its collections shall be kept and its affairs carried on shall be located in the city of Syracuse, in the county of Onondaga, and the property of said corporation in its actual occupation shall be exempt from taxation.

§ 6. The said corporation shall possess the general powers of a corporation under the Revised Statutes.

§ 7. This act shall take effect immediately.

Chap. 301.

AN ACT authorizing the appraisal and payment of canal damages to John I. Walrath.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and directed to examine and appraise the damages, if any, done John I. Walrath, of Sullivan, Madison county, in consequence of the appropriation, if such appropriation be permanent, of the waters of the west branch of the

Chittenango creek for the Erie canal enlargement, and to award him such sum as shall be just and equitable therefor, which award shall be subject to appeal to the canal board as in other cases. Provided, the claim for such appropriation, has not already been adjudicated or released.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, the sum which may be awarded under the provisions of this act, out of any moneys in the treasury appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 302.

AN ACT for the relief of Benjamin C. Lathrop.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear, examine and determine the claim of Benjamin C. Lathrop for damages alleged to have been sustained by him in consequence of the State authorities building the embankment to the bridge over the enlarged Erie canal at its intersection with Warren street in Syracuse, and if, in the judgment of the appraisers, damages have been sustained by the said Lathrop, for which the State is liable, the appraisers shall make such an award therefor as shall be just and legal, and such award shall be subject to appeal to the canal board by either party as in other cases.

§ 2. The treasurer shall pay on the warrant of the auditor, such sum as may be awarded out of any moneys in the treasury appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 303.

AN ACT for the relief of the South Brooklyn and Bergen Street Railroad Company.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the "South Brooklyn and Bergen Street Railroad Company," to construct and operate the railroad proposed to be constructed by the said company, upon and along the route designated in the articles of association of said company, on file in the office of the Secretary of State; provided the same be constructed within two years, and to lay thereon iron rails of less weight than prescribed by the general railroad law, the pattern and weight of such rails to be as those used on any of the railroads of the city railroad in the city of Brooklyn; but said railroad shall not be constructed unless the consent thereto be first obtained in writing of a majority of the owners of property upon the several streets or avenues in or along which such railroad is to be constructed, and such consent shall be acknowledged so as to entitle it to be recorded, and the same shall be recorded in the office of the register of the county of Kings.

§ 2. The conditions and restrictions upon and under which the said company shall operate their said road shall be such as govern the Brooklyn City Railroad Company in the operation of their railroad within said city, and only such, so far as the same may be applicable to the said first named company, and the road which it may construct.

§ 3. This act shall take effect immediately.

Chap. 304.

AN ACT for the relief of Isaac V. Baker.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized to hear and determine the claim of Isaac V. Baker, for damages sustained by him by reason of the setting back and overflowing of his land by the waters of Wood creek, and in case they shall find that any damages have been sustained by said Baker, for which the State is justly and equitably liable, then said appraisers shall award the payment of the same, subject to appeal to the canal board.

§ 2. In case any sum shall be awarded to said Isaac V. Baker under this act, the same shall be paid by the treasurer, on the warrant of the auditor of the canal department, out of any moneys appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 305.

AN ACT for the relief of Benjamin R. Skinner.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear, examine and determine the claim of Benjamin R. Skinner, for damages alleged to have been sustained by him in consequence of the State authorities building the embankment to the bridge over the enlarged Erie canal, at or near Adams basin, in the county of Monroe, and if, in the judgment of the appraisers, damages have been sustained by the said Skinner, for which the State is legally liable. the appraisers shall make such an award therefor as shall be just and equitable, subject to appeal to the canal board.

§ 2. The treasurer shall pay, on the warrant of the

auditor of the canal department, such sum as shall be awarded under and by virtue of the first section of this act, out of any moneys in the treasury appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 306.

AN ACT to construct a highway from the town of Keene, in Essex county, to the State road, in the town of North Hudson, in said county.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners.

SECTION 1. Phineas Norton, Smith Beedy and William H. Hull, of Keene, Essex county, are hereby authorized and appointed as commissioners to lay out and construct a road by the nearest and most feasible route from the residence of Smith Beedy, in said town of Keene, in a southeasterly direction to the state road, in the town of North Hudson, a distance of about nine miles.

Road district.

§ 2. Townships forty-four, forty-five, forty-six and forty-nine, in the North River head tract, also all of Roaring Brook tract, in the town of Keene, Essex county, shall be, and the same are hereby constituted one road district under charge of said commissioners appointed by this act and their successors in office.

Powers of commissioners.

§ 3. Said commissioners in addition to the powers herein conferred, shall have all the powers of commissioners of highways in the several towns in this State, and in case the town assessors or any of them shall not for any cause assess any of the non-resident lands in said district, said commissioners shall assess on such lands highway taxes, and the taxes so assessed shall be as valid in all respects, and shall be collected in the same manner as other highway taxes on non-resident lands are collected.

Highway tax.

§ 4. Said commissioners shall expend the highway tax assessed in said district as they shall deem best for the interest of the State, in the construction of said road.

Duty of comptroller

§ 5. The Comptroller shall pay over to said commissioners, or any two of them, the amount that may be

received from the county treasurer of Essex county for any and all highway taxes assessed and collected by them in said road district, and also a sum equal to the admitted arrears of highway taxes in said road district now assessed and uncollected, or collected and unexpended.

§ 6. The said commissioners shall give bonds with satisfactory sureties to the Comptroller of this State in the penal sum of one thousand dollars each, conditioned for the faithful performance of their duties under this act, before entering upon the discharge thereof, and shall be allowed out of the aforesaid moneys two dollars each per day while actually employed in the discharge of said duties, and also a sum sufficient to pay their reasonable expenses in laying out and constructing said road.

Commissioners to give bonds.

§ 7. The commissioners shall render to the Comptroller annually, on or before the first day of January in each year, on oath, an account of their receipts and expenditures under this act, and shall hold their offices until said highway shall have been constructed, and the Comptroller shall have the power to fill vacancies that shall occur in said offices, and shall also have the power of removal for cause shown.

To render annual account.

§ 8. This act shall take effect immediately.

Chap. 307.

AN ACT to authorize the levying and collecting of a tax in the several towns of Clinton county, for the payment of moneys borrowed to pay bounties to volunteers.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Clinton are hereby authorized and required, at their next annual meeting, to cause to be assessed, levied and collected, by tax upon the taxable property of the several towns in said county, a sufficient sum for the payment of the principal and interest on certain bonds issued by the county treasurer of said county, to raise money for the payment of bounties to volunteers.

§ 2. That each town be assessed equally in proportion to the bounties paid by them severally, and the required amount be assessed, levied and collected as a tax, in the same manner as other taxes, and be paid into the county treasury of said county, to be applied to the purpose above specified, and no other.

§ 3. This act shall take effect immediately.

Chap. 308.

AN ACT to apply the excise moneys collected in the county of Schenectady, to the support of the poor of the city or town in said county from which the same shall be collected.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of commissioners of excise of the county of Schenectady shall, after deducting for the New York State inebriate asylum ten per cent of the moneys collected by them for licenses granted by them according to the provisions of the act entitled "An act into suppress intemperance and to regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven, and within twenty days after the receipt of such moneys by them, pay to the treasurer of the city of Schenectady for the support of the poor of said city, the amount of the said moneys received by the said board of commissioners of excise, for licenses granted by them to persons doing business in the city of Schenectady ; and the said board shall within the same time pay to the overseers of the poor of each town in said county, for the support of the poor of said town, the moneys received by the said board for licenses from persons doing business in the same town, any acts or parts of acts to the contrary notwithstanding.

§ 2. This act shall take effect immediately.

Chap. 309.

AN ACT to amend the act entitled "An act in relation to plank roads in the counties of Clinton and Essex," passed March fourth, one thousand eight hundred and fifty-three.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act, entitled "An act in relation to plank roads in the counties of Clinton and Essex," passed March fourth, one thousand eight hundred and fifty-three, is hereby made applicable to that part of the western plank road company extending into the county of Franklin, and any branch or branches hereafter to be made.

§ 2. The directors of the said western plank road company shall have power to charge and collect, in addition to the rates now allowed by law, tolls not exceeding for every vehicle drawn by one animal three-quarters of a cent per mile; for every vehicle drawn by two animals one and one-half cent per mile; and for every vehicle drawn by more than two animals one and one-half cent per mile for every additional animal.

§ 3. This act shall take effect immediately.

Chap. 310.

AN ACT to appropriate the remainder of the canal revenues at the close of the fiscal year one thousand eight hundred and sixty-three.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of four hundred and seventy-five thousand dollars of the remainder of the surplus revenues of the State canals, to be ascertained under the third section of the seventh article of the Constitution of this State, at the close of the fiscal year one thousand eight hundred and sixty-three shall be and the same are hereby

appropriated and applied to the following objects and purposes, to wit:

1. For the payment of the expenses of such extraordinary repairs and improvements of the completed canals of this State as may be recommended by the canal commissioners and directed by the canal board in accordance with existing laws relating to this subject, the sum of one hundred and fifty thousand dollars, which sum shall be expended and applied in equal portions, as near as it can be done, upon and to each of the three divisions of the said canals as now constituted and arranged. And the sum of one hundred thousand dollars to be used, if necessary, on the western division of the Erie canal, to remove the earth from the bottom and sides of said canal and as contemplated in the original plan of enlargement.

2. For the payment of awards for canal damages, made by the canal appraisers and the canal board during the year eighteen hundred and sixty-one with the interest thereon at the rate of six per cent per annum from and after ninety days from the date of such awards, to the time when the auditor of the canal department shall give notice in the State paper that funds have been provided to pay such awards and interest, the sum of two hundred and twenty-five thousand dollars or so much thereof as may be necessary for the above objects.

§ 2. No moneys shall be expended or paid under and in virtue of the appropriations made by this act, before the first day of October next, and if on that day there shall not be any remainder or surplus revenues in the treasury from which the above appropriations can be paid, then this act shall be of no effect whatever, but if such remainder shall amount to the sum of two hundred and twenty-five thousand dollars, or any less sum, then the same shall be appropriated and applied to the payment of awards for canal damages made by the canal appraisers and canal board during the year eighteen hundred and sixty-one, provided and specified in the second section of this act.

Chap. 311.

AN ACT to appropriate a part of the remainder of the canal revenues.

Passed April 29, 1863; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of six hundred and eighty thousand dollars being a part of the remainder of the surplus revenues of the State canals, ascertained under the third section of the seventh article of the constitution, on the thirtieth day of September last, shall be and the same is hereby appropriated and applied to the following objects and purposes to wit :

1. For the payment of the temporary loan contracted for canal purposes, under section ten of article seven of the constitution, falling due on the first day of October next, the sum of two hundred thousand dollars.

2. For the payment of engineering expenses of a survey and estimate to be made by the State Engineer and Surveyor under the advice and direction of the canal board of the cost of constructing one tier of locks on the Erie and Oswego canals twenty-six feet wide in the chamber and two hundred and twenty-five feet in length between the gates, the sum of twenty-five thousand dollars, or so much thereof as may be necessary.

3. For the payment of such extraordinary repairs and improvements of the canals of this State, together with the reservoirs, feeders and other mechanical structures connected therewith, as may be recommended by the canal commissioners and directed by the canal board, pursuant to existing laws relating thereto, the sum of three hundred and eighty thousand dollars, which sum shall be expended upon the three divisions of the canals, as follows: one hundred and twenty thousand dollars upon the eastern division; one hundred and thirty-five thousand dollars upon the middle division, and one hundred and twenty-five thousand dollars upon the western division.

4. For the payment of awards for canal damages, made by the canal appraisers and the canal board, during the

year one thousand eight hundred and sixty-one, with the interest thereon at the rate of six per cent per annum from and after ninety days from the date of such awards to the time when the auditor of the canal department shall give notice in the State paper that funds have been provided to pay such awards and interest, the sum of seventy-five thousand dollars, or so much thereof as may be necessary.

§ 2. This act shall take effect immediately.

Chap. 312.

AN ACT to amend the charter of the "Greenwich Insurance Company," of the city of New York.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The "Greenwich Insurance Company," of the city of New York, in addition to the powers already vested in them, are hereby authorized and empowered to make insurance against all risks of inland navigation and transportation whatsoever.

§ 2. This act shall take effect immediately.

Chap. 313.

AN ACT for the relief of David Kohler and Charles Kohler.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal commissioners are hereby authorized to build and construct such a ditch or culvert as shall in their judgment be necessary to carry off the water from the lands of David Kohler and Charles Kohler, in the village of Tonawanda, in the county of Erie, provided that they shall be of the opinion that such lands are overflowed and injured by waters turned

upon them or held upon them on account of or by reason of the Erie canal embankment.

§ 2. This act shall take effect immediately.

Chap. 314.

AN ACT for the relief of Walter Johnson.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required to examine the claim of Walter Johnson, of the town of Macedon, in Wayne county, for damages alleged to have been sustained by him by flowing his land in said town, with water, in consequence of the construction of the enlarged Erie canal, and the digging of a ditch across and near to said land, by the officers of the State, and if the said Johnson has sustained damages from the cause aforesaid, for which the State ought justly to remunerate him, the said appraisers are hereby authorized to appraise such damages and make such award to him therefor as to them shall seem just and equitable, subject, nevertheless, to the right of appeal to the canal board, as in other cases of award for canal or land damages ; such award, when made, to be in full for all damages, passed or prospective, to such land.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum, if any, as may be awarded in pursuance of the first section of this act, to the said Walter Johnson, his heirs or assigns, out of any money in the treasury appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 315.

AN ACT to amend the act in relation to Savings Banks.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the trustees of savings banks and institutions for savings to loan the funds of such banks and institutions on the bonds of counties and cities of this State, authorized to be issued by the legislature : provided that by the terms of the act authorizing such issue provision be made for the payment of such bonds by tax for that purpose.

§ 2. This act shall take effect immediately.

Chap. 316.

AN ACT for the relief of Polly and Marcus Mabee.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear the claims of Polly and Marcus Mabee, for damages sustained by them in consequence of a break in the Erie canal, in the town of Royalton, Niagara county, in the year eighteen hundred and fifty-seven, and if, in the judgment of the appraisers, damages have been sustained by said parties, for which the State is liable, the appraisers shall make such an award therefor as shall be just and legal, and such award shall be subject to appeal to the canal board, by either party, as in other cases.

§ 2. This act shall take effect immediately.

Chap. 317.**AN ACT for the relief of Philip G. Van Wyck.**

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Philip G. Van Wyck shall have the same right, for two months from the passage of this act, to file with the canal appraisers his claim for damages done him in consequence of the appropriation by this State of a portion of the lands and farm owned by him at the time of the enlargement of the Erie canal, in the town of Galen, in the county of Wayne, and also for materials, gravel and stone, appropriated and taken therefrom, to the use of this State, in making such enlargement, which he had by law, for one year from the time such appropriation was made; and whenever, within the said two months, said claim shall be presented to said appraisers, in the manner and with the particularity required by section eighty-four of chapter nine of title nine of article three of part first of the fifth edition of the Revised Statutes of this State, it shall be their duty and they are hereby required to appraise and determine the amount of such damages and make their award thereon as if the same had been filed within the time required by law, from which determination and award an appeal may be taken, to the canal board, as in other cases.

§ 2. The treasurer shall pay, upon the warrant of the auditor of the canal department, such sum or sums as shall be finally awarded by the said appraisers or the canal board, upon the claim mentioned in the first section of this act, out of any moneys appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 318.

AN ACT to authorize the Canal Board to hear and determine the claims of Neil Stewart, B. C. Nichols and Jehial Freeman, for the destruction and loss of their canal boat.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board are hereby authorized and directed to hear and determine the claims of Neil Stewart, B. C. Nichols and Jehial Freeman, for the loss and destruction of canal boat "George W. Thompson," in October, eighteen hundred and sixty-two, near the village of Ilion, in Herkimer county, on the Erie canal, and to award such damages as in their opinion shall be just and equitable.

§ 2. The auditor shall draw his warrant on the treasurer to pay the amount awarded under the first section of this act, out of any moneys appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 319.

AN ACT for the relief of Andrew Gossman.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to examine and appraise the damages of Andrew Gossman, of Boonville, Oneida county, done to his land and premises there situated, by reason of a break in the Black River feeder, which occurred in July, eighteen hundred and sixty-one, and to award him such sum as shall be just and equitable therefor, which award shall be subject to appeal to the canal board, as in other cases.

§ 2. The treasurer shall pay, on the warrant of the

auditor of the canal department, such sum as shall be awarded to the claimant in pursuance of this act, out of any moneys appropriated or to be appropriated for the payment of canal damages.

Chap. 320.

AN ACT authorizing the appraisal and payment of damages to John Hurlburt.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and decide the alleged claim of John Hurlburt, for damages occasioned by breaks in the canal embankment and waste weir, in December, eighteen hundred and forty-eight, May, eighteen hundred and fifty-eight, June, eighteen hundred and fifty-nine, adjoining and upon his land, situate in the village of Boonville, county of Oneida, N. Y. If on such examination it shall appear that damages have been sustained by the said Hurlburt for which the State is justly and legally liable, then they shall make a just and equitable award therefor to the said John Hurlburt, subject to appeal to the canal board.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as shall be awarded to the claimant in pursuance of this act, out of any moneys appropriated or to be appropriated to the payment of canal damages.

Chap. 321.

AN ACT authorizing Robert Tripp to convey certain real estate.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for Robert Tripp, of the town of Decatur, county of Otsego, administrator of

the goods, chattels and credits of Celestia Tripp, deceased, and he is hereby authorized to convey to Samuel Brown or to his assigns, by good and sufficient deed or deeds, the real estate of which said Celestia Tripp died seized, according to the conditions of a certain contract made by Polly Tripp, deceased, in her lifetime with said Brown.

§ 2. The said Robert Tripp, upon the receipt by him of the purchase price of said real estate, as expressed in the said contract or upon the receipt of so much thereof as shall remain unpaid at the delivery of said deed or deeds shall distribute and pay over the same to the heirs of said Celestia Tripp, according to law.

§ 3. This act shall take effect immediately.

Chap. 322.

AN ACT for the relief of the estate of Frederick Boughton, Samuel M. Spencer, John Brown and Bellows and Babcock.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear the claims of the estate of Frederick Boughton, Samuel M. Spencer, John Brown and Bellows and Babcock. for damages caused by the depreciation in the value of such of the buildings in said village as have been constructed after the fourteenth day of May, eighteen hundred and sixty-three, * to their property in the village of Pittsford, by changing the line of the enlarged Erie canal and abandoning the old canal through the village of Pittsford, and if in the judgment of the appraisers damages have been sustained by the parties above named for which the State is liable. the appraisers shall make such an award therefor as shall be just and legal, and such award shall be subject to appeal to the canal board by either party as in other cases.

* So in original.

§ 2. The treasurer shall pay, on the warrant of the Auditor of the Canal Department, such damages as may be awarded under and by virtue of the first section of this act, out of any of the moneys in the treasury, appropriated, or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 323.

AN ACT for the relief of Elisha Smedley.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear the claim of Elisha Smedley for damages sustained by him in consequence of a break in the Erie canal, in the town of Royalton, Niagara county, in the year eighteen hundred and fifty-six, and if, in the judgment of the appraisers, damages have been sustained by said Smedley, for which the State is liable, the appraisers shall make such an award therefor as shall be just and legal, and such award shall be subject to appeal to the canal board, by either party, as in other cases.

§ 2. This act shall take effect immediately.

Chap. 324.

. AN ACT for the relief of James Ray.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to hear and determine the claim for compensation and damages, of James Ray, contractor for the construction of Saratoga lock road bridge across the same and section work connected therewith, on the Champlain canal, and shall award to him such sum as he shall be justly and equitably entitled to by reason of the change of location of said lock and section work, and the change

of the plans for the construction of the same; and also for extra materials furnished and labor performed, beyond what would have been necessary on the location of said lock and section work, as the same was located when said Ray entered into contract with the State.

Chap. 325.

AN ACT to provide for the care and education of indigent deaf-mutes under the age of twelve years.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this State, or shall be liable to become such charge, it shall be the duty of the overseers of the poor of such town, or of the supervisors of such county, to place such child in the New York institution for the deaf and dumb.

§ 2. Any parent, guardian or friend of a deaf-mute child within this State over the age of six years and under the age of twelve years, may make application to the overseers of the poor of any town, or to any supervisor of the county where such child may be, showing by satisfactory affidavit, or other proof, that the health, morals or comfort of such child may be endangered or not properly cared for, and, thereupon, it shall be the duty of such overseer or supervisor if satisfied that the parents or natural protectors of such child are, or such child is, in indigent circumstances, to place such child in the New York institution for the deaf and dumb.

§ 3. The children placed in said institution, in pursuance of the foregoing sections, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed one hundred and fifty dollars each per year, until they attain the age of twelve years, unless the directors of said institution

shall find, as to any such child, that it is not a proper subject to remain in said institution.

§ 4. The expenses for the board, tuition and clothing of such deaf-mute children, placed as aforesaid in said institution, not exceeding the amount of one hundred and fifty dollars per year above allowed, shall be raised and collected, as other expenses for the support of the poor of the county from which such children shall be received; and the bills therefor, properly authenticated by the principal or one of the officers of said institution, shall be paid to said institution by the said county; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

§ 5. This act shall take effect immediately.

Chap. 326.

AN ACT to amend the act entitled "An act to reduce the State assessment upon village property in the county of Tioga," passed April fifteenth, eighteen hundred and sixty-three.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to reduce the State assessment upon village property in the county of Tioga," passed April fifteenth, eighteen hundred and sixty-three, is hereby amended by adding to the first section of the same at the end thereof, the following words: And the sum of three thousand three hundred and forty-three dollars and seventy-five cents, or so much thereof as shall be necessary, is hereby appropriated for the purpose of refunding said tax.

§ 2. This act shall take effect immediately.

Chap. 327.

AN ACT for the relief of Andrew J. McIntosh.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the claim of Andrew J. McIntosh, for damages alleged to have been sustained by him in consequence of the State authorities building the embankment to the bridge over the enlarged Erie canal, on Schuyler street, in the city of Utica, and if in the judgment of the appraisers damages have been sustained by the said McIntosh, for which the State is liable, the appraisers shall make such an award therefor as shall be just and legal, subject to appeal to the canal board.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as shall be awarded under and by virtue of the first section of this act, out of any moneys appropriated or to be appropriated to the enlargement of the canals.

§ 3. This act shall take effect immediately.

Chap. 328.

AN ACT for the relief of Joseph Faas.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the claim of Joseph Faas, for damages alleged to have been sustained by him in consequence of the State authorities building the embankment to the bridge over the enlarged Erie canal on Schuyler street, in the city of Utica, and if, in the judgment of the appraisers, damages have been sustained by the said Faas, for which the State is liable, the appraisers shall make such an award therefor as shall be just and equitable, subject to appeal to the canal board.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as shall be

awarded under and by virtue of the first section of this act, out of any moneys appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 329.

AN ACT for the relief of Nelson Cowan and Peter Reese.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the claim of Nelson Cowan and Peter Reese, of the town of Corning, in the county of Steuben, for damages sustained by them by reason of the overflowing of their land, in October, eighteen hundred and sixty, and the washing away of the soil of the farm, and the washing away of a barn and other property which was upon said land ; and for such injury said appraisers shall award such sum as they shall deem just and equitable, if, in their judgment, any damages were sustained by said claimants, for which the State ought legally or equitably to pay, subject to an appeal to the canal board.

§ 2. The State Treasurer shall pay, on the warrant of the auditor of the canal department, the sums awarded to said claimants, in pursuance of the first section of this act, out of any money appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 330.

*

AN ACT for the relief of Henry H. Norman.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear, examine and determine the

claim of Henry H. Norman, for damages alleged to have been sustained by him in consequence of the State authorities building the embankment to the bridge over the enlarged Erie canal, at its intersection with Main street, in the village of Fairport, in the county of Monroe, and if, in the judgment of the appraisers, damages have been sustained by said Norman, for which the State is justly and legally liable, the appraisers shall make such an award therefor as shall be just and equitable, subject to appeal to the canal board.

§ 2. The Treasurer shall pay, on the warrant of the auditor of the canal department, such sum as may be awarded under and by virtue of the first section of this act, out of any moneys in the treasury appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 331.

AN ACT for the relief of Luke Noon and Francis Fitzgerald.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized to hear and determine the claim of Luke Noon and Francis Fitzgerald to interest upon three several drafts, dated respectively, April fifth, eighteen hundred and fifty-two, May first, eighteen hundred and fifty-two, and October twenty-ninth, eighteen hundred and fifty-three, made in their favor by the authorities of the State, for the construction, in part, of lock number two, on the Erie canal, and award to them such amount, if any, as shall legally or equitably be due them, as interest on such drafts after sixty days from the time they were made until the time of their payment.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as may be awarded under and by virtue of the first section of this act, out of any moneys in the treasury appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 332.

AN ACT for the relief of Salmon Butts.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and directed to hear and determine the claim of Salmon Butts, for damages alleged to have been sustained by him by reason of the leakage of the water from the Erie canal into his cellars and premises in the village of Palmyra, in the county of Wayne, and if in the opinion of said appraisers any damage has been sustained by said Butts, for which the State ought justly and equitably to pay, then to award such sum to be paid said Butts, subject to appeal to the canal board as in other cases.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as may be awarded under and by virtue of the first section of this act, out of any money appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 333.

AN ACT to amend an act entitled "An act to reduce the fees and compensation of certain public officers for services chargeable to the city and county of Albany, and for other purposes," passed March twenty-seventh, one thousand eight hundred and forty-four.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows :

SECTION 1. Section one of chapter eighty of the Laws of eighteen hundred and forty-four is hereby amended by striking out the words "five hundred dollars," and inserting in lieu thereof the words "not exceeding twelve

hundred and fifty dollars in the discretion of the board of supervisors."

§ 2. This act shall take effect immediately.

Chap. 334.

AN ACT to release the interests of the State in certain lands of which William Stobbs Newham died seized, to William Wilson, executor of the last will and testament of Jane Menzie Newham, deceased.

Passed April 29, 1863; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title, interest and estate of the people of this State in and to any of the real estate, lands and premises, situate within this State, of which William Stobbs Newham, late of the city of Brooklyn, deceased, died seized, is hereby released to William Wilson, executor of the last will and testament of Jane Menzie Newham, deceased, as such executor in his representative capacity only, to be disposed of by him, his successors and assigns for the uses and purposes declared in the said will of Jane Menzie Newham.

§ 2. Nothing herein contained shall be so construed as to impair, release or discharge any right, claim or interest of any creditor, by mortgage, judgment or otherwise, or of any heir or heirs at law, now capable of taking the same by descent, or of any person lawfully claiming title under or through the said William Stobbs Newham.

§ 3. This act shall take effect immediately.

Chap. 335.

AN ACT making an appropriation for the improvement of the Oak Orchard creek and canal feeder.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of canal commissioners are hereby authorized and directed to cause to be widened and deepened, by excavation, with all reasonable dispatch, the channel of Oak Orchard creek and canal feeder, in accordance with the resolution of the canal board adopted on the eleventh day of December, one thousand eight hundred and sixty-two.

§ 2. The treasurer is hereby directed to pay the expenses of such work, on the warrant of the auditor, out of any money not otherwise appropriated belonging to the canal fund, and the sum of sixteen thousand three hundred and six dollars is hereby appropriated for that purpose. Said sum of sixteen thousand three hundred and six dollars to be paid upon condition that, before the expenditure of said money, or contracting for the work, or any portion of the same, all persons who have now made claims for damages against the State by reason of constructing a feeder from the Tonawanda to the Oak Orchard creek, and the construction of a dam across the Tonawanda creek, and diverting the water from the same, release to the State all their said claims for damages.

§ 3. This act shall take effect immediately.

Chap. 336.

AN ACT for the relief of Ira Gaston.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized to ascertain, appraise and award the damages sustained

by Ira Gaston, of Montezuma, in the county of Cayuga, by reason of the overflowing of his land by Crane brook, or a ditch running therefrom, if in the opinion of such appraisers any damages have been done said Gaston by the acts of the State officers, for which he ought in justice and equity to be paid. Such award shall be subject to appeal to the canal board.

§ 2. In case any sum shall be awarded to said Ira Gaston under this act, the same shall be paid by the treasurer, on the warrant of the auditor of the canal department, out of any money appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 337.

AN ACT for the relief of James Vroman and Calvin W. Barnes.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required to hear and determine the claims of James Vroman and Calvin W. Barnes, for damages alleged to have been sustained by them by reason of an overflow of water in consequence of a break in the Erie canal at Durhamville, in the county of Oneida, and if, in the opinion of said commissioners, any damages have been sustained by said Vroman and Barnes for which the State is justly and equitably liable to pay, then to award such sum to be paid said Vroman and Barnes, subject to appeal to the canal board as in other cases.

§ 2. The Treasurer shall pay, on the warrant of the auditor of the canal department, such sum as may be awarded under and by virtue of the first section of this act, out of any money appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 338.

AN ACT in relation to closing up the affairs of the president, directors and company of the Bank of Monroe.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Thomas Beals of the village of Canandaigua, and Elias Pond of the city of Rochester, and the survivor of them, they being two of the surviving trustees for closing up the affairs of the president, directors and company of the Bank of Monroe, a moneyed corporation, whose charter has expired, are hereby authorized as such trustees, to do all acts whatsoever which may be necessary or proper for settling and closing up the affairs of the said corporation, and, for that purpose, to exercise, in respect to the affairs of the said corporation, the powers mentioned in the ninth and tenth sections of the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 2. This act shall take effect immediately.

Chap. 339.

AN ACT authorizing the appraisal and payment of canal damages to William A. Sutton.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the claim of William A. Sutton, for damages alleged to have been sustained by him from the enlargement of the Erie canal at Black Rock, in the city of Buffalo, county of Erie ; and if upon examination it shall appear and be ascertained that any damages have been sustained by him for which the State is justly and equitably liable, said ap-

praisers shall make an award for the same, subject to appeal to the canal board as in other cases.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as shall be allowed under the provisions of this act, out of any moneys appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 340.

AN ACT authorizing the construction of a railroad through certain streets in the city of Syracuse, and town of Onondaga, in the county of Onondaga.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Grantees.

SECTION 1. It shall be lawful for Hamilton White, Lewis H. Redfield, Charles A. Baker, Johnson Hall, James Noxon, Henry D. Hatch, Josiah Brintnall and Fairfax Wellington, and those who may be now or hereafter associated with them, to lay a railroad track, with the necessary turn-outs, in and through certain streets of the city of Syracuse, and the town of Onondaga: commencing on Salina street at the north line of Church street; thence southerly on Salina street to Ridgeway street, in the town of Onondaga; thence easterly on Ridgeway and Grape streets to the entrance to Oakwood cemetery, also with a branch connecting at the intersection of Salina with Onondaga street; thence southerly on Onondaga street to the Binghamton railroad depot, also with a branch connecting at the intersection of Salina with Ridgeway street; thence southerly on Salina street to New Brighton.

Consent of
common
council.

§ 2. The said grantees and their associates shall not be authorized to lay the said track in the said city of Syracuse, without first obtaining the consent of the common council of the city of Syracuse, nor shall they be authorized to lay the said track in the town of Onon-

daga, without first obtaining the consent of the commissioners of highways of said town.

§ 3. The track of said road shall be laid of such iron rails as shall least obstruct the free passage of vehicles (and of the weight of not less than thirty pounds to the yard) and carriages over the same, and the same shall be laid flush with the surface of the street, and shall conform to the grade as it now is or as it shall be from time to time established or altered; and said grantees shall keep the surface of the street inside the rails, and for one foot outside thereof, in good and proper order and repair.

Rails, and
manner of
laying them

§ 4. The cars to be used on said road shall be drawn by horses, or dummy engines, and shall be run as often as the public interest may require.

Drawing
cars.

§ 5. The said road shall be completed for the distance of one and one-fourth miles, within three years from the passage of this act, and the powers and privileges granted under this act are hereby limited to the period of fifty years, and the balance of said road within four years from the passage of this act.

When road
to be built.

§ 6. No greater amount than five cents each shall be charged passengers for riding any distance over this road, and such fare may be received upon the completion of one and one-fourth miles of said road.

Rate of fare

§ 7. Said grantees and their associates are hereby required, within six months after the passage of this act, to organize as a corporation under the general railroad act, passed April second, eighteen hundred and fifty, and such corporation, when so formed, shall have the powers and be subject to all the provisions of the said act, not inconsistent herewith, except the following sections, or any amendments thereof, namely: the twenty-seventh, thirty-first, thirty-fourth (as far as relates to the transportation of property), thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-fourth, and excepting also as to the number of associates and the amount of capital stock to be subscribed as required by the first and second sections of the said act. The said corporation shall make an annual report to the State Engineer and Surveyor of its business and affairs in such manner and form as he shall require.

To organize
as a corpo-
ration.

Chap. 341.

AN ACT to amend an act entitled "An act for the relief of the inhabitants of the village of Clyde, in the county of Wayne," passed March 20, 1862.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows:

SECTION 1. Section two of an act entitled "An act for the relief of the inhabitants of the village of Clyde, in the county of Wayne," passed March twentieth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

§ 2. The treasurer of this State shall pay, upon the warrant of the auditor of the canal department, such sum for labor done and materials furnished necessary to remedy the evil mentioned in the first section of the act hereby amended, which sum shall be paid from the moneys appropriated or to be appropriated to the extraordinary repairs of the Erie canal.

Chap. 342.

AN ACT to raise the head of the feeders and of Oil Creek reservoir on the Genesee Valley canal.

Passed April 29, 1863; three-fifths being present.

• *The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The canal commissioners are hereby authorized to raise the water in Oil Creek reservoir, three feet, and define the boundaries of lands for the same at an elevation of six feet above the bottom of the outlet heretofore in use; also to construct a dam across the Ischua creek, at Ischua feeder, at such elevation as may be determined by the canal board. Said commissioners are further authorized to raise and maintain the dams at an elevation of five feet above bottom of canal across the streams that supply with water that part of the canal

designated as the extension of the Genesee Valley canal; said commissioners are further authorized to take possession of all lands necessary to carry this act into effect.

§ 2. The cost for the construction of the works necessary to carry this act into effect, to be paid out of moneys appropriated for extraordinary repairs and improvement of the canals.

§ 3. The canal commissioners are further authorized and required to place fixed and permanent monuments of stone near each dam and of the outlet, for the purpose of determining at any future time the height to which the works mentioned in this act are to be maintained, and furnish with their next annual report, maps and references designating said monuments.

§ 4. This act shall take effect immediately.

Chap. 343.

AN ACT to authorize the canal commissioners to construct a bridge over the Erie canal in the counties of Erie and Niagara.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioners are hereby authorized and directed to construct, or cause to be constructed over the Erie canal, at or near the point where the road known as the New Home road intersects the same in the town of Amherst, Erie county, a suitable road bridge at the expense of the State, and the expense thereof shall be paid by the treasurer on the warrant of the auditor, from any mon-ys appropriated for the extraordinary repairs of the Erie canal, provided that after investigation and examination into all the facts in relation to the application for said bridge, the canal commissioners shall be of opinion that the State is under legal and equitable obligation to build said bridge, and provided further, that before proceeding to the construction of any such bridge, the canal commissioners shall require and receive a full and sufficient release, legally executed, acknowledged and delivered free of expense to the State, of all claims for

damages in consequence of the construction of said bridge, or of the approaches and embankments to the same, and also a good and sufficient grant or permission to the State duly executed, acknowledged and delivered as aforesaid; to alter, raise, or change such bridge, approaches or embankments whenever necessary, which necessity is to be determined by the canal commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments. The said canal commissioners shall enter or cause to be entered in a book of records, to be kept in their office, all the testimony and facts appearing upon the investigation and examination above referred to, and their determination thereon, whether such determination be favorable or adverse to such application.

§ 2. This act shall take effect immediately.

Chap. 344.

AN ACT authorizing the canal commissioners to build a road bridge across the Erie canal at Montezuma in the county of Cayuga.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioners are hereby authorized to construct or cause to be constructed a road bridge over the Erie canal in the village of Montezuma at the expense of the State, said bridge to be built on or near the site of the present foot bridge, and under the direction and in such a manner as the commissioners in charge of the canal may deem best calculated to promote the interest of the State and the convenience of the inhabitants of said village, provided that after investigation and examination into all the facts in relation to the application for said bridge the canal commissioners shall be of opinion that the State is under legal and equitable obligation to build said bridge, and provided further that before proceeding to the construction of any such bridge, the canal commissioners shall require and receive a full and sufficient release, legally executed, acknowledged

and delivered free of expense to the State, of all claims for damages in consequence of the construction of said bridge or of the approaches and embankments to the same, and also a good and sufficient grant or permission to the State duly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments whenever necessary, which necessity is to be determined by the canal commissioners from all persons whose property, rights or interests may be affected by such bridge, approaches, or embankments. The said canal commissioners shall enter or cause to be entered in a book of records to be kept in their office all the testimony and facts appearing upon the investigation and examination above referred to, and their determination thereon whether such determination be favorable or adverse to such application.

§ 2. The expense of the erection of said bridge shall not exceed the sum of one thousand dollars and be paid for out of the moneys appropriated for extraordinary repairs on the middle division of the canals of this State.

§ 3. This act shall take effect immediately.

Chap. 345.

AN ACT making appropriations to reimburse the Manhattan Company in the city of New York, for the premium paid on coin or specie purchased to pay the interest on the canal debt.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums are hereby appropriated, payable out of the several sinking funds hereinafter mentioned, to reimburse the Manhattan Company in the city of New York for the premium paid on coin or specie purchased to pay the interest on the canal debt falling due on the first days of July and October, eighteen hundred and sixty-two, and the first day of January, eighteen hundred and sixty-three, to wit :

The sum of eighty thousand seven hundred and fifteen dollars and ninety-three cents, to be paid out of the

sinking fund under section one, article seven, of the constitution.

The sum of one hundred and seventeen thousand five hundred and ninety-three dollars and seventy-five cents, to be paid out of the sinking fund under section three, article seven, of the constitution.

The sum of twenty-four thousand eight hundred and forty-three dollars and seventy-five cents, to be paid out of the sinking fund created under section twelve, of article seven of the constitution.

Chap. 346.

AN ACT empowering railroad companies to employ police force.

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment of
officers.

SECTION 1. Any railroad corporation on which road steam is used as the motive power, may apply to the Governor to commission such persons as the said corporation may designate, to act as policemen for said corporation.

Number.

§ 2. The Governor, upon such application, may appoint such persons or so many of them as he may deem proper to be such policemen, and shall issue to such person or persons so appointed a commission to act as such policemen.

Oath of
office and
filing there-
of.

§ 3. Every policeman so appointed shall, before entering upon the duties of his office, take and subscribe the oath prescribed in the twelfth article of the constitution. such oath, with a copy of the commission, shall be filed with the Secretary of State, and a certificate thereof by said secretary be filed with the clerk of each county, through or into which the railroad for which such policeman is appointed may run, and in which it is intended the said policemen shall act; and such policemen shall severally possess all the powers of policemen in the several towns, cities and villages in which they shall so be authorized to act as aforesaid.

Powers.

§ 4. Such railroad police shall, when on duty, seve-

rally wear a metallic shield with the words "Railway Police," and the name of the corporation for which appointed, inscribed thereon; and said shield shall always be worn in plain view except when employed as detectives.

Metallic shield.

§ 5. The compensation of such police shall be paid by the companies for which the policemen are respectively appointed, as may be agreed upon between them.

Pay of officers.

§ 6. Whenever any company shall no longer require the services of any policemen so appointed as aforesaid, they may file a notice to that effect in the several offices in which notice of such appointment was originally filed, and thereupon the power of such officer shall cease and be determined.

Powers of officers, when to cease.

Chap. 347.

AN ACT to authorize the canal commissioners to construct a road bridge over the enlarged Erie canal at Higginsville, in Oneida county.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Canal Commissioners are hereby authorized and required to construct or cause to be constructed and maintained at the expense of the State, over the enlarged Erie canal at Higginsville, in the county of Oneida, a common single track wood bridge, and the sum of twenty-eight hundred and sixty-eight dollars, or so much thereof as may be necessary, is hereby appropriated for the construction of said bridge, to be paid from any money appropriated for the repairs of the Erie canal; provided, that after investigation and examination into all the facts in relation to the application for said bridge, the Canal Commissioners shall be of opinion that the State is under legal and equitable obligation to build said bridge, and provided further, that before proceeding to the construction of any such bridge, the Canal Commissioners shall require and receive a full and sufficient release legally executed, acknowledged and delivered free of expense to the State of all claims for dam-

ages in consequence of the construction of said bridge or of the approaches and embankments to the same, and also a good and sufficient grant or permission to the State duly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments whenever necessary, which necessity is to be determined by the Canal Commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments. The said Canal Commissioners shall enter or cause to be entered in a book of records, to be kept in their office, all the testimony and facts appearing upon the investigation and examination above referred to, and their determination thereon, whether such determination be favorable or adverse to such application.

§ 2. This act shall take effect immediately.

Chap. 348.

AN ACT to provide for the payment of work done and materials furnished in the construction of the Bassett lock, on the Champlain canal.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board is hereby authorized and required to examine and ascertain the amount of damages actually sustained by Jacob Schaub or his assigns in the construction of the Bassett lock, on the Champlain canal, by reason of the location thereof being changed after the execution of the contract for the construction of the same, and after a portion of the work had been performed in accordance with the said contract, which change of location was made by direction of the resident engineer, and award to the said Jacob Schaub such sum as said board shall find is justly and equitably due him from the State.

§ 2. The treasurer shall pay to said Jacob Schaub, upon the warrant of the auditor, such sum, if any, as may be awarded him under and by virtue of the first section of this act out of any money in the treasury appro-

priated or to be appropriated to the payment of the extraordinary repairs on the eastern division of the canals.

§ 3. This act shall take effect immediately.

Chap. 349.

AN ACT for the relief of Andrew Kingsley and Daniel A. Knapp.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board is hereby authorized and required to hear and determine the claim of Andrew Kingsley and Daniel A. Knapp, to the payment of interest at the rate of six per cent per annum on money earned by them under a contract entered into by said Kingsley and Knapp with the State, in October, eighteen hundred and fifty-eight, for the construction of section number three hundred and thirty-seven of the enlarged Erie canal, and if, in their opinion any sum is justly and equitably due to said Kingsley and Knapp, as interest upon any sums of money which were not paid to them until after the same became due by the terms of the contract, then said board shall award to said Kingsley and Knapp, such sum as shall be justly and equitably due to them as interest upon such sums of money, but no award shall be made unless it shall appear that the contract was completed within the time required by their contract and there was no fault on their part.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as shall be awarded under and by virtue of the first section of this act, out of any moneys appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 350.

AN ACT to authorize and require the canal board to hear and determine the claim of Samuel C. Burdick.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to hear and determine the claim of Samuel C. Burdick, of the city of Troy, county of Rensselaer, for damages alleged to have been sustained by him by the falling of the side cut bridge in Broad street, in the village of West Troy, in August, eighteen hundred and sixty-two ; and if it shall appear that any damages have been sustained, for which the State is justly liable, then the canal board shall award such sum therefor, as to them shall seem just and equitable, and charge the same to the repair contractor on that division of the canals, if the falling of said bridge was through his neglect.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as may be awarded under and by virtue of the first section of this act, out of any moneys in the treasury, appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 351.

AN ACT for the relief of Michael Wall.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear, examine and determine the claim of Michael Wall, for damages alleged to have been sustained by him in consequence of the State authorities building the embankment and wall to the bridge over the enlarged Erie canal, at its intersection with Lyell

street, in the city of Rochester, and if, in the judgment of the appraisers, damages have been sustained by the said Wall, for which the State is equitably and legally liable, the appraisers shall make such an award therefor as shall be just and equitable, subject to an appeal to the canal board.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as may be awarded under and by virtue of the first section of this act, out of any moneys in the treasury appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 352.

AN ACT for the relief of Morgan Lewis.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the claim of Morgan Lewis, of Lenox, Madison county, for damages resulting from or arising out of an appropriation of a portion of his land for the purposes of the enlargement of the Erie canal, and raising embankments for the approaches to bridges in front of his premises; and if in their opinion said Lewis has sustained any damage by reason of such appropriation, for which the State ought in justice and equity to pay, then the said appraisers shall award such sum therefor as shall to them seem just and equitable; such appraisal and award, if any be made, shall be subject to appeal to the canal board, as in other cases.

§ 2. The treasurer shall pay, upon the warrant of the auditor of the canal department, such sum as shall be awarded to said Lewis for said damage, under and by virtue of the first section of this act, out of any moneys appropriated or to be appropriated for the payment of canal damages.

Chap. 353.

AN ACT to authorize the supervisors of Tompkins county, to levy a tax in the town of Ulysses, to reimburse moneys paid for soldiers' bounties.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of Tompkins county is hereby authorized to levy and collect in the town of Ulysses in said county, such sum of money, not exceeding four thousand five hundred dollars, as has been authorized by persons representing two-thirds of the taxable property of said town, and paid for procuring volunteers, or for bounties to volunteers, or for the support of families of volunteers during the existing rebellion.

§ 2. All the provisions of the act passed February twenty-first, eighteen hundred and sixty three, for auditing, levying, collecting and disbursing the tax therein mentioned, shall apply to the moneys to be raised by this act.

§ 3. This act shall take effect immediately.

Chap. 354.

AN ACT for the relief of Pringle and Claffy.

Passed April 29, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to examine into the final account on the contract of Pringle and Claffy, for the construction of section number eleven of the Cayuga and Seneca canal enlargement, and if upon such examination they find that the engineers making up said final account erroneously classified as rip-rap wall any portion of said work that should have been classified as loose stone, and paid for as such under the specification in said contract for loose stone,

then they shall pay for the same at and after the contract price therefor.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum, if any, as shall be awarded by the said canal board as provided by the first section of this act, out of any money in the treasury appropriated or to be appropriated for extraordinary repairs in the middle division of the canals.

§ 3. This act shall take effect immediately.

Chap. 355.

AN ACT for the appraisal and payment of canal damages to Isaac Miller.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to examine and determine the claim of Isaac Miller, of the village of Clyde, in the county of Wayne, for alleged damages to his cellars, situated on the line of the Erie canal in said village, which damages are alleged to have been caused by the increased height of water in said canal, thereby causing the water to leak through the bank, and fill up the cellars of the said Isaac Miller with water, rendering said cellars useless, and if it shall appear that any damages have been sustained, for which the State is justly liable, then the said appraisers shall award such sum therefor as shall to them seem just and equitable; such appraisal and award, if any be made, shall be subject to appeal to the canal board, as in other cases.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such damages as may be awarded under and by virtue of the first section of this act, out of any of the moneys in the treasury, appropriated or to be appropriated to the payment of canal damages.

Chap. 356.

AN ACT to authorize the canal commissioners to construct a farm bridge over the Chemung canal feeder, on the premises of Solomon G. Huy and Abram D. Huy, in the town of Corning, in the county of Steuben.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioners are hereby authorized to construct or cause to be constructed and maintained at the expense of the State, a suitable farm bridge over the Chemung canal feeder, on the premises of Solomon G. Huy and Abram D. Huy, in the town of Corning, in the county of Steuben, in such a manner as they may deem the interest of the State to require, to be paid from any moneys appropriated to the ordinary repairs of the Chemung canal. Provided, that after investigation and examination into all the facts in relation to the application for said bridge, the board of canal commissioners shall be of opinion that the State is under legal and equitable obligation to build said bridge; and provided further, that before proceeding to the construction of any such bridge the canal commissioners shall require and receive a full and sufficient release, legally executed, acknowledged and delivered free of expense to the State of all claims for damages in consequence of the construction of said bridge or of the approaches and embankments to the same, and also a good and sufficient grant or permission to the State duly executed, acknowledged and delivered as aforesaid, to alter, raise, or change such bridge, approaches or embankments, whenever necessary, which necessity is to be determined by the canal commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments. The said canal commissioners shall enter or cause to be entered in a book of records to be kept in their office, all the testimony and facts appearing upon the investigation and examination above referred to, and their determination thereon;

whether such determination be favorable or adverse to such application.

§ 2. In consideration of the construction and maintenance of the said bridge, the said Solomon G. Huy and Abram D. Huy do hereby relinquish all claim for damages which they may have against the State for or on account of the construction of said bridge.

Chap. 357.

AN ACT to provide for the continuation of proceedings suspended by the death of Thomas Carnley, late sheriff of the county of New York.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Thomas Carnley, late sheriff of the city and county of New York, having during his term of office sold under and by virtue of an order, judgment or decree of the supreme court of this State, made in a certain action or proceeding in said court, entitled "Supreme court in equity in the matter of the application of William Cairns, junior, and Ann E. his wife," certain real estate in said city, or certain interests therein, or belonging appurtenant or incident thereto, and before the completion of such sales having departed this life, it shall be the duty of his successor in office at the time being to complete such sales by making and delivering a deed, conveyance or other transfer of such real estate, right or interest therein to the respective purchasers thereof, or his or their assigns, upon the receipt by him of the purchase money therefor or such part thereof as shall not have been paid to said deceased sheriff, and it shall be the duty of such successor to perform all the provisions and directions of such order, decree or judgment, so far as he may be enabled so to do by means of the amount or securities which he may have received as aforesaid, from such purchaser or his assigns.

Duty of
successor.

§ 2. In case the estate, right, title or interest of the purchaser, of any real estate, right or interest, in the first section of this act mentioned, shall have been conveyed,

Convey-
ance to be
made to the
party in

whom the
right to the
title is
vested.

transferred to or otherwise vested in any other party, the successor of such deceased sheriff shall make and deliver the deed, conveyance or transfer thereof to the party in whom such estate, right, title or interest may be vested at the time for the making and delivery of such deed, conveyance or transfer, and the right, title or interest to such real estate, or right or interest therein, and every estate, right, title and interest granted as belonging or incident to such real estate, right or interest therein sold and purchased at said sales shall, upon the delivery of the deed under this act, be as full and complete and vested in the party to whom such deed, conveyance or transfer shall be made, as though the same had been made and delivered to such purchaser, and such real estate, right or interest had by him been granted, conveyed or transferred to such party, and the grant of such incident, right, title or interest had been made subsequently to the delivery of the deed by such sheriff.

When suc-
cessor may
re-sell
lands.

§ 3. In case any of the purchasers aforesaid, or the party in whom his or their right, title or interest may be vested, shall refuse upon the application of the successor of such deceased sheriff, to perform the terms of sale and purchase, such successor in office may re-sell such real estate, right or interest therein or thereto and make a deed, transfer or conveyance thereof to the purchaser, on such re-sale, and the original purchaser or his assigns shall be responsible for any deficiency upon such re-sale, unless it shall appear that he shall have some legal or equitable objection to the title thereto, or some valid reason why he should not perform the conditions of said sale.

§ 4. This act shall take effect immediately.

Chap. 358.

AN ACT establishing a Quarantine and defining the qualifications, duties and powers of the Health Officer for the harbor and port of New York.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Quarantine for the protection of the public health, according to the provisions of this act, is hereby authorized, required and established in and for the port of New York for all vessels, their crews passengers, equipage, cargoes and other property on board of the same, arriving thereat from other ports.

Establishment of quarantine.

§ 2. The quarantine establishment shall consist of: First, Warehouses, wet-docks and wharves; Second, Anchorage for vessels; Third, Floating hospital; Fourth, Boarding station; Fifth, Burying ground; Sixth, Residence for officers and men.

Of what to consist.

§ 3. The warehouses, wet-docks and wharves, together with appropriate appurtenances for unlading and storing cargoes and such facilities as will enable merchants to overhaul and refit vessels while in quarantine, shall be constructed at such expense and in such place in the lower bay of New York, not on Staten Island, Long Island or Coney Island, as the quarantine commissioners may determine, with the approval of the commissioners of the land office.

Structures.

§ 4. The warehouses shall be of such capacity only as will secure the best natural ventilation consistent with security for merchandise, but in the aggregate they shall be of a capacity equal to the storage of fifty medium-sized cargoes; and they shall have connected with them apartments with suitable appliances for special disinfection by forced ventilation, refrigeration, high steam, dry heat and chemical disinfection.

Mode of construction.

§ 5. The wharves shall be constructed with due regard to safety and protection for vessels, and sufficiently extensive to admit of the safe moorage of at least four vessels of the largest size at the same time. There shall be two

Capacity.

wet-docks, each one capable of admitting a ship of the largest size.

Location.

§ 6. The anchorage for vessels under quarantine shall be in the lower bay, distant not less than two miles from the nearest shore, and within an area to be designated by buoys by the quarantine commissioners and health officer.

Floating hospital.

§ 7. The floating hospital shall be constructed with special reference to the purposes of a hospital, and with a capacity sufficient to accommodate one hundred patients. From the first day of May to the first day of November that floating hospital shall be anchored in the lower bay, not less than two miles distant from the nearest portion of the quarantine anchorage and from the nearest shore. From the first day of November to the first day of May, the floating hospital may be moored at the quarantine wharves or other secure place, subject to the discretion of the commissioners of quarantine.

Boarding station.

§ 8. The boarding station for infected vessels shall consist of the vessel at present used as a floating hospital, or such other vessel as may hereafter be provided, to be anchored in such proximity to the floating hospital and the channel as will afford the greatest dispatch in boarding and directing vessels as soon as practicable after arrival; and shall be provided with all necessary appurtenances for personal cleanliness and the purification of personal baggage.

Period of quarantine.

§ 9. Vessels arriving at the port New York shall be subject to quarantine, as follows: First, All vessels from any place where disease subject to quarantine existed at the time of their departure, or which shall have arrived at any such place and proceeded thence to New York, or on board of which, during the voyage, any case of such disease shall have occurred, arriving between the first day of April and the first day of November, shall remain at quarantine for at least thirty days after their arrival, and at least twenty days after their cargo shall have been discharged, and shall perform such and further quarantine as the quarantine commissioners may prescribe, unless the health officer, with the approval of the quarantine commissioners, shall sooner grant a permit for said vessel or cargo, or both, to proceed. Second, From any place (including islands) in Asia, Africa, or the Mediterranean,

or from any of the West Indies, Bahama, Bermuda or Western Islands, or from any place in America in the ordinary passage from which they pass south of Cape Henlopen and all vessels on board of which, during the voyage or while at the port of their departure, any person shall have been sick, arriving between the first day of April and the first day of November, and all vessels from a foreign port, not embraced in the first subdivision of this section, shall, on their arrival at the quarantine ground, be subject to visitation by the health officer, but shall not be detained beyond the time requisite for due examination and observation, unless they shall have had on board during the voyage some case of quarantinable disease, in which case they shall be subject to such quarantine and regulations as the health officer and the quarantine commissioners may prescribe. Third, All vessels embraced in the foregoing provisions which are navigated by steam, shall be subject only to such length of quarantine and regulations as the health officer shall enjoin, unless they shall have had on board during the voyage some case of quarantinable disease, in which case they shall be subject to such quarantine as the health officer and the quarantine commissioners shall prescribe.

§ 10. Persons with insufficient evidence of effective vaccination, and known to have been recently exposed to small pox, shall be vaccinated as soon as practicable, and detained until the vaccinia shall have taken effect. No other well persons shall be detained in quarantine any longer than necessary to secure cleanliness. Such vaccination and disposal of persons vaccinated shall be made under regulations to be fixed by the quarantine commissioners and health officer. Persons having small pox shall be disposed of in the same manner as is done under existing laws.

Vaccination.

§ 11. The only diseases against which quarantine shall apply are yellow fever, cholera, typhus or ship fever and small pox, and any new disease not now known, of a contagious, infectious, or pestilential nature, at the discretion of the quarantine commissioners and health officer.

Diseases subject to quarantine.

§ 12. For the purpose of sanitary measures, merchandise shall be arranged in three classes:

Sanitary measures.

1. Merchandise to be submitted to an obligatory quarantine and to purification.

2. Merchandise subject to an optional quarantine.
And

3. Merchandise exempt from quarantine.

The first class comprises clothing, personal baggage and dunnage, rags, paper rags, hides, skins, feathers, hair and all other remains of animals, cotton, hemp and woolens. The second class comprehends sugar, silks and linen and cattle. The third class comprehends all merchandise not enumerated in the other two classes.

Sanitary
measures.

§ 13 With existing quarantinable disease on board, or if there have been any such disease on board within the ten days last preceding, merchandise of the first class shall be landed at the quarantine warehouse. Merchandise of the second class may be admitted to pratique immediately, or transferred to the warehouses, according to circumstances, at the option of the health officer, with due regard to the sanitary conditions of the port. Merchandise of the third class shall be declared free, and admitted without unnecessary delay.

1b. § 14 In all cases where there has been quarantinable disease on board during the voyage, letters and papers shall be submitted to the usual purifications, but with such precautions as not to affect their legibility; articles of merchandise or other things not subject to purifying measures in an envelope officially sealed shall be immediately admitted to pratique, whatever may be the condition of the vessel; and if the envelope is of a substance considered as optional, its admission shall be equally optional.

1b. § 15. If a vessel though not having had during the voyage any case of quarantinable disease, yet be found in a condition which the health officer shall deem dangerous to the public health, the vessel and cargo shall be detained until the case shall have been considered; the decision of the health officer, however, in all such cases, shall be rendered within twenty-four hours. Vessels in an unhealthy state, whether there has been sickness on board or not, shall not be allowed pratique until they shall have been broken out, duly cleansed and ventilated.

1b. § 16. If in the judgment of the health officer a vessel require it, he may order the following sanitary measures: Baths and other bodily care for the persons; washing or other disinfecting means for clothing; displacement of

merchandise on board or complete breaking out; subjection to high steam, incineration or submersion at a distance below the surface of the water, for infected articles; the destruction of tainted or spoiled food or beverages; the complete ejection of water; thorough cleansing of the hold and the disinfection of the well. In short, the complete purification of the vessel in all her parts by the use of steam, fumigation, force pumps, rubbing or scraping, and finally sending to quarantine anchorage, until disinfection be perfected. Whenever these divers operations are necessary, they shall always be executed before admission to pratique.

§ 17. Admission to pratique, shall be preceded by as many visits to the vessel as the health officer may judge necessary.

Sanitary measures.

§ 18. No vessel shall be put in quarantine without a stated decision of the health officer, and the captain or master of the vessel shall be informed thereof immediately after his decision.

Decision of health officer.

§ 19. A vessel shall have the right, before breaking bulk, of putting to sea, in preference to being quarantined; in the exercise of this right, if the vessel have not arrived at her port of destination, the bill of health shall be returned; the health officer, however, shall mention upon said bill, the length and circumstances of the detention, and the condition of the vessel upon re-putting to sea; but before the exercise of this right, the health officer must satisfy himself that the sick of such vessel will be taken care of for the remainder of the voyage, and take care of such sick as prefer to remain.

Vessels may return to sea.

§ 20. On arrival of infected vessels, all well persons shall have their freedom as soon as possible, consistently with the foregoing regulations; sick persons shall be immediately transferred to the floating hospital or other hospitals appropriated for their reception, and the vessel unladen, purified, and admitted to pratique as soon as possible. All merchandise shall be placed in the warehouses and there freely exposed to the air, and moved from time to time to insure its perfect ventilation. In no case shall persons sick with different diseases be put in the same hospital.

Well persons and sick persons

§ 21. Merchandise coming from different vessels and places, and at different times in quarantine, shall be kept

Disposition of merchandise.

separate, and placed as much as practicable in different warehouses.

Purification
thereof.

§ 22. Merchandise shall be submitted to such measures of purification as the health officer shall judge necessary; no putrified animal substances, or substances likely to putrify, shall be admitted into the warehouses; all such substances shall be rendered innoxious or destroyed.

Clothes and
dunnage.

§ 23. The clothes and dunnage contaminated with infection of different diseases, shall be purified in different places.

Regulations
for hospital.

§ 24. The floating hospital shall, from the first day of April to the first day of November, be appropriated exclusively to the care of persons sick with yellow fever; from the first day of November to the first day of April, the floating hospital may be used for the care of typhus or ship fever and until permanent provision shall be otherwise made by law, small pox patients shall be sent to, and supported as at present at Blackwell's Island, and typhus or ship fever patients shall be sent to, and supported as at present at Ward's Island, and cholera patients shall be provided for by the commissioners of quarantine in such manner as they may determine and occasion shall demand.

Appoint-
ment of
health off-
icer.

§ 25. A health officer for the port of New York, shall be nominated by the Governor and appointed by him with the consent of the senate, and shall hold his office for the term of two years and until a successor in such office shall be duly qualified; provided, however, that no one shall be appointed a health officer except a doctor of medicine of good standing, and of at least ten years' experience in the practice of his profession, and who shall also be practically familiar with the diseases subject, by this act, to quarantine; nothing in this section contained shall authorize the Governor to appoint a health officer during the recess of the senate, except in case of a vacancy by death or resignation.

Duties
thereof.

§ 26. It shall be the duty of the health officer to reside at such convenient place for the boarding of vessels, as the commissioners of quarantine may determine, and to have the general superintendence and control of the quarantine establishment, and the care and treatment of the sick, and to carry out all the provisions of this act; and he shall have power:

1. To administer oaths and take affidavits in all examinations prescribed by this act, and in relation to any alleged violation of quarantine law or regulation; such oaths to have the like validity and effect as oaths administered by a commissioner of deeds. Duties thereof.

2. At all times to call upon any of the police force of the Metropolitan police district, to a number not exceeding ten, to aid him upon any necessary emergency in enforcing the powers and duties conferred upon him by this act, and it shall thereupon become the duty of any such member of the police force so called upon to obey him; but such service shall not continue longer than twenty-four hours. Ib.

3. To direct in writing any constable or other citizen to pursue and apprehend any person who shall violate any quarantine law or regulation, or who shall obstruct the health officer in the performance of his duty, and deliver him over to the said officer to be detained at quarantine until discharged by such officer, but such confinement shall in no case exceed ten days, and it shall be the duty of the constable or other citizen so directed to obey such directions; and every person violating the quarantine laws or regulations, or obstructing the health officer, shall be considered guilty of a misdemeanor, punishable by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment not less than three months or more than six months. Ib.

4. To select and appoint and dismiss at pleasure, as many nurses, boatmen and other employees of the floating hospital and boarding station, as may be found necessary for the care and proper treatment of the inmates thereof; and also, and in conjunction with the quarantine commissioners, to license lightermen, stevedores, laborers and other employees as may be found necessary for the care and purification of vessels, merchandise, baggage, dunnage, &c., in quarantine; but the compensation of all persons so employed shall be fixed and determined by the commissioners of quarantine. Ib.

5. To select, appoint and dismiss at pleasure, two assistant or deputy health officers, for whose conduct he shall be responsible, and who may perform, subject to his direction, all the duties required of the health officer. Ib.
Assistants.

§ 27. It shall be the duty of the health officer and his assistants and deputies :

Oath of
office.

1. To take and subscribe the oath of office prescribed in article twelve of the constitution of the State of New York.

Boarding
vessels.

2. To board and examine all vessels subject to quarantine, as soon after arrival as practicable, between the hours of sunrise and sunset.

Deceased
persons.

3. To exercise dispatch in the disposal of persons arriving in infected vessels, to have the bodies of persons who have died of malignant diseases on board of infected vessels arriving, and such as shall have died in the floating hospital, interred in the quarantine burying ground near Segoine's Point; and to proceed without delay in the purification of vessels, merchandise, baggage, dunnage and other articles in quarantine; and whenever he shall judge the same free from infection, to permit the removal thereof. No vessel or cargo, however, that has been in quarantine, shall be permitted to proceed to New York or Brooklyn, without the approval of the mayor or board of health of those cities respectively.

Their
effects.

4. To secure the effects of deceased persons in quarantine from waste and embezzlement, and when the rightful claimants of such effects do not appear within the period of three months, to deliver the same to the public administrator of the city of New York, unless the said property be of such a description as ought not to be removed, or may be destroyed under the provisions of this act.

Boards of
health of
New York
and Brook-
lyn to be
notified.

5. To keep the boards of health of New York and Brooklyn, at all times, informed of the number of vessels in quarantine, of the number of persons sick in the floating hospital, and of the diseases with which they are afflicted.

Reception
of vessels,
&c.

6. To receive any vessel or merchandise sent to him by the health authorities of New York or Brooklyn, dangerous to the public health.

Cases of
yellow
fever.

7. To receive into the floating hospital any case of yellow fever that shall have been contracted in quarantine establishment or elsewhere.

Yellow flag.

8. To have all vessels, warehouses and merchandise in quarantine designated by a yellow flag; and to prohibit communication with or passage within range of such

vessels and places, except under such restrictions as he may designate as being compatible with safety.

§ 28. Whenever the health officer, in the performance of his duties, and in the execution of the powers imposed and conferred upon him by law or by any regulation or ordinance made in pursuance of any statute of this State, shall order or direct the master, owner or consignee of any vessel subject to quarantine, to do any act or thing, or comply with any regulation relative to said vessel or to any person or thing on board thereof, and said master, owner or consignee shall neglect or refuse to comply with such order or direction, the said health officer shall have power to employ such persons and assistance as may be necessary to carry out and enforce such order and direction, and the persons so employed shall have a lien on such vessel, her tackle, apparel and furniture for their services and expenses.

Powers of
health officer.

§ 29. The health officer in the lighterage, stevedorage, and storage of vessels and merchandise in quarantine, may permit the captains and owners to employ lighterage and men on their own account; all persons so employed, however, shall be subject to the same restrictions for the protection of the public health, as those who may be licensed for the same services by the health officer and commissioners

Do.

§ 30. The expenses attendant on the duties of the health officer in relation to vessels, merchandise, baggage, dunnage, persons and burials under quarantine, shall be paid by the masters of the vessels for which the service shall have been rendered, or in which the merchandise, baggage, dunnage and persons shall have arrived; the storage of all merchandise in the quarantine warehouses shall be paid for, on delivery, by the owners; and the use of the wet-docks for overhauling and repairing vessels shall be paid for by the captains or owners of vessels using them. The charges for each and all of these several services shall be fixed upon and determined by the commissioners of quarantine.

Payment of
expenses.

§ 31. It shall be the duty of the health officer to render an account, payable to the commissioners of quarantine, to all masters or owners according to the provisions of the last preceding section hereof, within forty-eight hours after the termination of any such service;

To render
account.

and if the master or owner of any such vessel or merchandise omits to pay the said expenses within three days after account of the same shall have been rendered, the commissioners of quarantine shall have an action against any such vessel, her owners and consignees, or owners of merchandise, and each and every one of them, for such expenses, which shall be a lien on such vessel or merchandise; in the case of passengers, however, for whom expenses shall have been incurred under quarantine, the master of the vessel in which such passengers arrived, may recover from them the amount of expenses incurred on their account; and until all such expenses be paid to the commissioners, the vessel, cargo and other property shall be held in quarantine.

Punishment of master of vessel for violations of duty.

§ 32. Every master of a vessel, subject to visitation by the health officer, who shall refuse or neglect either :

First. To proceed with and anchor his vessel at the place assigned at the time of his arrival ; or,

Second. To submit his vessel, cargo, crew and passengers to the examination of the health officer, and to furnish all necessary information to enable that officer to determine to what measures they ought respectively to be subject ; or,

Third. To remain with his vessel at quarantine during the period assigned by the health officer, and while at quarantine to comply with the directions and regulations prescribed by law, and with such as any of the officers of health by virtue of the authority given to them by law, shall prescribe in relation to his vessel, his cargo, himself, his crew or passengers, shall be guilty of a misdemeanor, and be punished by a fine not exceeding two thousand dollars, or by imprisonment not exceeding twelve months, or both, by such fine and imprisonment.

1b.

§ 33. Every master of a vessel hailed by a pilot who shall either :

First. Give false information to such pilot, relative to the condition of his vessel, crew or passengers, or the health of the place or places from whence he came, or refuse to give such information as shall be lawfully required ;

Second. Or land any person from his vessel, or permit any person, except a pilot, to come on board of his vessel, or unlade or tranship any portion of his cargo before

his vessel shall have been visited and examined by the health officer;

Third. Or shall approach with his vessel nearer to the city of New York or Brooklyn than the place of boarding or anchorage to which he may be directed, shall be guilty of the like offense, and be subject to the like punishment; and any person who shall land from any vessel, or unlade or tranship any portion of her cargo under like circumstances, shall be guilty of a like offense, and be subject to the like punishment.

§ 34. It shall be the duty of each branch and deputy pilot belonging to the port, to use his utmost endeavors to hail every vessel he shall discover entering the port, and to interrogate the master of such vessel in reference to all matters necessary to enable such pilot to determine whether, according to the provisions of the preceding sections, such vessel is subject to quarantine. Duty of pilots.

§ 35. If from the answers obtained from such inquiries, Ib. it shall appear that such vessel is subject to quarantine according to the preceding provisions, the pilot shall immediately give notice to the master of the vessel that such is the case, and that he must proceed and anchor said vessel at the quarantine anchorage, there to wait the further directions of the health officer. It shall be the duty of every pilot who shall conduct into port a vessel subject to quarantine:

First. To bring such vessel to anchor within buoys, Ib. marking the quarantine anchorage.

Second. To prevent any vessel or boat from coming Ib. along side of the vessel under his charge, and to prevent anything on board from being thrown into any other vessel or boat.

Third. To present the master of the vessel a printed Ib. copy of this title, when such a copy shall have been delivered to him for the purpose.

Fourth. To take care that no violations of this title be Ib. committed by any person, and report such as shall be committed, as soon as may be, to the health officer.

§ 36. Any person who shall violate any provision of this act, or neglect or refuse to comply with the directions and regulations which any of the officers of health may prescribe, shall be guilty of a misdemeanor, and be punished by a fine not exceeding two thousand dollars, Punishment for violations of this act, or regulations.

or by imprisonment not exceeding twelve months, or both by such fine and imprisonment.

Further
power of
health off-
icer.

§ 37. It shall be the duty of the health officer, in the presence of immediate danger, to take the responsibility of applying such additional measures as may be deemed indispensable for the protection of the public health.

Appeal
from his
decisions.

§ 38. Any person aggrieved by any decision or direction of the health officer may appeal therefrom to the commissioners of quarantine, who shall constitute a board of appeal; the said board shall have power to affirm, reverse or modify the decision, order or direction appealed from, and the decision of the said board thereon shall be final.

Mode of
appeal.

§ 39. An appeal to the board of appeal must be made by serving upon the health officer a written notice of such appeal within twelve hours (Sundays excepted) after the appellant receives notice of the order, decision or direction complained of. Within twelve hours after the health officer receives such notice (Sundays excepted) he shall make a return in writing, including the facts on which his order, decision or direction was founded, to the president of the board of commissioners of quarantine, who shall immediately call a meeting of the board of appeal, and said appeal shall be heard and decided within twenty-four hours thereafter (Sundays excepted); and, until such decision be made, the order, decision or direction complained of, except it refer to the detention of a vessel, her cargo or passengers at quarantine, shall be suspended.

Return
thereof.

Suit for
penalties.

§ 40. The penalties and forfeitures prescribed by this act may be sued for and recovered with costs of suit, by and in the name of the commissioners of quarantine, according to the provisions of "An act concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven.

Commis-
sioners of
quarantine,
custodians.

§ 41. The commissioners of quarantine are hereby constituted the custodians of the quarantine establishment of the harbor and port of New York, to be by them held in trust for the people of this State, for the purposes and subject to the provisions specified in this act.

Commis-
sioners of
land office
to sell cer-

§ 42. The commissioners of the land office are hereby authorized and directed, without unnecessary delay, to sell the lands owned and hitherto used on the eastern

shore of Staten Island, heretofore known as the "marine hospital," and also the land at Segoine's Point, excepting the burying ground, which shall be retained as a part of the new quarantine, together with all the buildings, and the proceeds of the same shall be held subject to and for the purposes of this act.

tain lands
on Staten
Island.

§ 43. The said commissioners of quarantine are hereby authorized and directed to proceed without unnecessary delay to have constructed a floating hospital, warehouses, wet-docks, and to provide a boarding station and a residence for the health officer, with all appurtenances, according to the provisions of this act, and to pay for the same out of the funds hereinbefore provided, and such other funds as are now held by them. or as they are or shall be empowered to raise or receive for such purposes. In the exercise of quarantine regulations at the harbor and port of New York, until the completion of the establishment according to the provisions of this act, vessels or hulks may be appropriated for the service of the sick, and also for the reception of merchandise; but in such cases they shall be so disposed as to permit the separation of the sick with different diseases, and to secure the best conditions of hygiene, especially ventilation, and under no circumstances whatever shall sick persons be kept in proximity with infected vessels or merchandise. Well persons shall have their liberty as soon as practicable, consistent with the provisions of this act; and all means necessary to the protection of the public health shall be instituted according to the exigencies of the case. provided they are not inconsistent with the provisions of this act.

Duties of
commis-
sioners of
quarantine.

§ 44 All salaries and wages of the employees in the quarantine establishment, not specially provided for in this act, shall be fixed and determined by the health officer.

Salaries
and wages
of employ-
ees.

§ 45. The health officer shall present to the commissioners of quarantine annually, on or before the first of February, a report of the general condition of the quarantine establishment with the statistics of the institution in detail, and such other information and suggestions in regard to the same as he may deem advisable; he shall also furnish to the board of health of the cities of New York and Brooklyn, and to the commissioners of

Health
office to re-
port annu-
ally.

quarantine, whenever required by them to do so, an official return of the numbers and diseases of the patients in the floating hospital.

Powers of board of health, mayor and commissioners of health, and health officer of New York, and the board of health of Brooklyn.

§ 46. The board of health or the mayor and commissioners of health of the city of New York, or the board of health of Brooklyn, or the health officer of the port of New York, whenever in their or his judgment, the public health shall require, may order any vessel at the wharves of the city or in their vicinity, to the quarantine ground or some other place of safety; and may require all persons, articles or things introduced into either city from such vessel, to be seized, returned on board thereof, or removed to the quarantine or other place of safety. If the master, owner or consignee of the vessel cannot be found, or shall neglect or refuse to obey the order of removal, the said board of health, or mayor and commissioners of health, or health officer, shall have power to employ such assistance as may be necessary to effect such removal, at the expense of such master, owner or consignee; and such vessel or person shall not return to the city without the written permission of the said board of health, or mayor and commissioners of health, or health officer. Whenever any person shall have been employed, as above provided, to remove any vessel, or to remove any article or thing introduced into the city from such vessel, and shall, in pursuance of such employment, effect such removal, he shall have a lien on said vessel, her tackle, apparel and furniture, for his services and expenses in effecting such removal.

Passengers, when to be provided for by master of vessel.

§ 47. All passengers being on board of vessels under quarantine, shall be provided for by the master of the vessel in which they shall have arrived; and if the master shall omit or refuse to provide for them, or they shall have been sent on shore by the health officer, they shall be maintained by the commissioners of quarantine, at the expense of such vessel, her owners, consignees, and each and every one of them; and the health officer shall not permit such vessel to leave quarantine until such expense shall have been repaid or secured; and the said commissioners of quarantine shall have an action against such vessel, her owners, consignees, and each and every one of them, for such expenses, which shall be a lien on such

vessel, and may be enforced as other liens on vessels are enforced by said commissioners of quarantine.

§ 48. The health officer, upon the application of the master of any vessel under quarantine, may confine in any suitable place on shore, any person on board of such vessel charged with having committed an offense punishable by the laws of this State or the United States, and who cannot be secured on board of such vessel; and such confinement may continue during the quarantine of such person, or until he shall be proceeded against in due course of law; and the expense thereof shall be charged and collected as in the last preceding section.

Confinement of offenders.

§ 49. Exclusive jurisdiction of the offenses specified in this act, is hereby given to the courts of general and special sessions of the peace of the city of New York, and general sessions of the county of Kings; and it shall be the duty of the district attorneys of the city and county of New York and county of Kings respectively to prosecute all persons guilty of such offenses, in preference to any indictment then in their offices; and it shall be the duty of either of the said courts to hear and try the offenses against this act, in preference to all other cases pending before it; and whenever any person shall be convicted on a trial for such offense, the court shall forthwith proceed to pronounce judgment upon him according to the terms prescribed in this act.

Jurisdiction over offenses.

§ 50. The commissioners of emigration shall receive into their hospitals all alien passengers for whom bonds shall have been given, or commutation paid, under the several acts of this State relating to alien passengers arriving at the port of New York, who shall be affected with any contagious or infectious disease, other than yellow fever, and sent to such hospital by the authority of the health officer. They shall defray the expenses of such patients out of the moneys by them received on account of bonds or commutation.

Duty of commissioners of emigration.

§ 51. The commissioners of emigration shall execute and acknowledge a suitable and proper conveyance, to be approved by the Attorney-General, conveying to the State all the right, title and interest which they have in the real estate on Staten Island, now or formerly occupied for quarantine purposes, as a marine hospital; which conveyance, after being recorded in the office of the clerk of

To convey certain lands to the state.

the county of Richmond, shall be filed in the office of the Secretary of State.

Meetings of
commissioners of
quarantine.

§ 52 It shall be the duty of the commissioners of quarantine to hold daily meetings, Sundays and customary holidays excepted, from the first day of May until the first day of November, in each year, and as often in the other months as in their judgment may be necessary. They shall present annually a report of their proceedings, and of the condition of the quarantine establishment, to the legislature, at the opening thereof.

Fees of
health officer.

§ 53. The health officer shall be entitled to receive the fees fixed by law for his services. He shall thereout pay all the salaries and wages of the deputy health officers and such bargemen, nurses, stewards and other employees as may be necessary for the performance of the duties imposed upon him by this act, and for the carrying on the quarantine establishment, except the salaries of the commissioners of quarantine, and the said health officer shall pay the current expenses of running a steamboat for the transportation of persons to and from the establishment, and for visitations and for burying the dead, but nothing in this section contained shall be construed or held to affect the liability of masters or owners of vessels, passengers or other persons to pay for such services, labor or work, as they are respectively required to pay or discharge by the terms of this act.

Appoint-
ment of
three quar-
antine com-
missioners.

§ 54. The Governor shall nominate, and by and with the advice and consent of the senate, appoint three discreet persons, citizens of this State, who shall be residents of the Metropolitan police district, as commissioners of quarantine for the purposes of this act, who shall hold their offices for three years and until their successors shall be appointed and qualified. He shall, every three years thereafter, and as often as vacancies shall occur by reason of death, resignation, insanity, or removal from the said district, appoint, by and with the consent of the senate, citizens, as aforesaid, who shall reside in said district, to fill the places of those commissioners whose terms shall expire or become vacant, and the persons so appointed shall hold their offices for three years and until their successors shall be appointed and qualified.

Salary.

§ 55. The said commissioners shall receive an annual salary of two thousand five hundred dollars each.

Chap. 359.

AN ACT to incorporate the American and Mexican Railroad and Telegraph Company

Passed April 29, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Angel Trias, Joseph Britton, Theodore R. B. De Groot, George G. Taylor, Charles A. Rapallo, Joseph Gurney, Charles W. Baker, James R. Whiting, and Edward C. Johnson, Luis Terrazas, Edwin Crosswell, Thomas Robinson and Ignatio Pesqueira, and their associates, successors and assigns, are hereby constituted a body corporate by the name of "The American and Mexican Railroad and Telegraph Company." for the purpose of constructing and maintaining a railroad, with one or more tracks and all convenient buildings, fixtures, machinery and appurtenances, across the States of Chihuahua and Sonora, in Mexico, from any point in either of those States, for which they have or hereafter may have the permission of those States, to any other point in either of those States, or to any point or points they may please or deem best for their interest, in the boundary line of the United States of America, at or near El Paso, and to make and establish one or more telegraph lines upon or along such road, or in and through the said States of Chihuahua or Sonora, or both, and to connect the same with any other line that they may deem expedient, under grants made by the States to Angel Trias, or which may hereafter be obtained by him or the said company hereby created, and for such purposes all the necessary and incidental power is hereby granted to the said corporation.

Corporators

§ 2. The capital stock of the said company shall be fixed by the directors at a sum not less than one million of dollars, with liberty to increase the same at any time to a sum not exceeding twenty millions of dollars. Said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct.

Capital stock.

Commissioners to receive stock.

§ 3. The said Joseph Britton, Charles W. Baker and James R. Whiting, shall be commissioners to receive subscriptions for the said capital stock, and if the whole capital stock shall not be subscribed at the time first appointed, other subscriptions may be at any time received, until the whole amount shall be subscribed, at such times and under such rules and regulations as the board of directors shall prescribe.

Directors and term of office.

§ 4. The concerns of the said corporation shall be managed by thirteen directors, who shall be stockholders, and who (except the first directors hereby appointed) shall hold their offices for one year, and until others are chosen in their places. The persons named in the first section of this act shall be the first directors, and shall hold their offices for two years after the passage of this act, and until others are chosen in their places. The directors shall, after the first two years, be annually chosen by the stockholders, at such time and place, and on such notice, as shall be directed by the by-laws of the said corporation. In all meetings of the stockholders, each share shall entitle the holder to one vote, to be given in person or by proxy. In case it should happen at any time that an election of directors shall not be made on the day appointed by the by-laws of the corporation, the said corporation shall not, for that cause, be deemed to be dissolved, but such election shall be had on any other day which shall be appointed by the directors of said corporation, and in case of a vacancy in the direction, the same may be filled by the remaining directors until the next regular election.

Board of directors and by-laws

§ 5. Seven directors shall constitute a quorum. One of the directors shall be appointed president by a majority of the directors, and they shall or may appoint such other officers and agents as they shall deem necessary, and the directors may make and establish such by-laws, rules and regulations as they shall think proper and expedient touching the disposition and management of the property, estate and effects of the said corporation, the transfer of shares, the duties and conduct of their officers and servants, the meeting and election of directors, and for supplying vacancies in the board of directors and officers, and relating to all matters whatsoever which may appertain to the concerns of the said corporation. The direc-

tors may remove any or all the officers appointed by them whenever they may deem it to be the interest of the said corporation so to do.

§ 6. The directors may require payments of subscriptions to the stock at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments made thereon, or may sue for and recover all such subscriptions, and the directors may order the forfeiture of the amount paid in case of the non-payment, which forfeiture shall accrue to the benefit of the company. Notice of the time and place of such payment shall be published in two daily newspapers published in the city of New York at least once in each week, for six weeks previous to such time.

Payment of
subscriptions.

§ 7. The said corporation may have a common seal, and may alter and renew the same at pleasure; and all contracts may be made as the by-laws shall prescribe, with or without the corporate seal.

Seal.

§ 8. It shall be lawful for the said corporation to contract with the said Angel Trias and his associates, and with such persons who now hold grants, or are the owners of any interest in any grants, made by the said States of Chihuahua and Sonora, authorizing the building of said road and establishing said telegraph lines, for the purchase of the rights, title and interest of said parties, or any of them, in and to all the rights, privileges and immunities granted, or which may be granted, to them, or any of them, by the said States respectively, and for the purchase of the lands granted to them, or any of them, by the said States, and to receive a conveyance or conveyances of and hold the same, in like manner and to the like effect as the said Angel Trias and his associates or such other owners now do or can do; and to issue and give in payment for such purchases stock of the said company, which stock so issued and given in payment shall be declared, deemed and taken as full-paid stock, and shall not be liable to any further calls or assessments. And the said company shall also have power to lease or sell or mortgage or convey the whole or any part of such lands which the said corporation shall not deem necessary to retain for the uses and purposes of the corporation, and to take, hold and receive, by proper conveyance or otherwise, all franchises and rights under the said grants

May purchase rights
and lands.

May dis-
pose of
lands.

of the said respective States and to construct said road and telegraph line, and all buildings, piers, docks, basins, harbors and bridges in the said States of Chihuahua or Sonora, as the said corporation shall deem expedient for the purposes of said road or roads and telegraph line or lines, and to comply with all the conditions and provisions of said grants, and to carry out the purposes thereof in like manner as the original grantees or their assigns could or might do.

May borrow money and issue bonds.

§ 9. The said corporation may, from time to time, borrow such sum or sums of money as may be necessary to build, equip or operate said road or roads and said telegraph line or lines, or for the payment of any of its indebtedness then existing, and for any other purposes authorized by the said grants and this act; and may issue and dispose of their bonds for any amount so borrowed, and they are hereby authorized to mortgage the whole or any part of their corporate property and privileges to secure the payment of such bonds. The holders of such bonds may, with the consent of the directors, have the right to convert such bonds into the stock of the said corporation, at such time and on such terms as may be limited by the board of directors, and, for such purpose, the said corporation are authorized, from time to time, to increase its capital stock to the amount so borrowed whenever the persons, or any of them, to whom such money is due, shall elect to convert the same into stock, and the stock into which such bonds shall have been converted shall be deemed full-paid stock; but nothing herein contained shall be construed to authorize an increase of the capital stock of said company beyond the sum of twenty millions of dollars.

Subscribers and stockholders individually liable.

§ 10. Each and every subscriber for stock or stockholder whose stock shall not be full-paid stock, shall be individually liable to the creditors of said corporation for all debts that may be due and owing by said corporation to their laborers and servants for services performed, and for all other debts and liabilities of the said corporation, to an amount equal to the amount unpaid on the stock subscribed for or held by him, and shall remain so liable until he shall have paid in full the amount of such stock held by him, or until the recoveries against him shall amount to the sum unpaid on such stock. But no stock-

Proviso.

holders shall be personally liable for the payment of any debt contracted by the said corporation, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt shall be brought against such corporation within one year after the same shall have become due, and no suit shall be brought against any stockholder in said corporation for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder in said corporation, nor until a recovery against said corporation, and an execution against the corporation shall be returned unsatisfied in whole or in part; but suit against such individual stockholder may be brought at any time within one year after such return; no person holding stock in said company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security shall be personally subject to any liability as a stockholder of said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner, and to the same extent as the testator or intestate, or the ward or person interested in such fund would have been if he had been living or competent to act and held the stock in his own name. Every such representative, guardian or trustee shall represent the shares of stock owned by him in such representative capacity, or as guardian or trustee, at all meetings of the company, and may vote as a stockholder, and every person pledging his stock as aforesaid, may, in like manner, represent the same, and vote accordingly.

§ 11. The company hereby created shall not be taxed Taxation. on its capital stock, but only upon such real and personal estate as it may have and own within this state.

§ 12. This act shall take effect immediately.

Chap. 360.

AN ACT to consolidate school districts numbers five, eight, eleven and fifteen of the town of Kingston, Ulster county, into one school district.

Passed April 29, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Kingston
school dis-
trict.

SECTION 1. From and after the last Monday in May, eighteen hundred and sixty-three, school districts numbers five, eight, eleven and fifteen of the town of Kingston, county of Ulster, are hereby consolidated for the purposes and to the extent in this act specified; and shall hereafter, for such purposes and to such extent, form but one school district, to be called "The Kingston school district."

Schools
therein.

§ 2. Said school districts, numbers five, eight, eleven and fifteen shall remain and continue separate and distinct for the purposes and to the extent in this act specified, and shall be called "Primary school districts," and shall not be subject to alteration except by resolution of the board of education hereinafter created. The school houses in said primary districts shall be used for the instruction of the children residing in said districts, entitled to attend common schools, and when such children shall arrive at sufficient age and proficiency in learning they may be transferred, upon the proper testimonials, into the more advanced departments, created and authorized by this act; the age, qualifications and testimonials to be prescribed by the laws, rules and regulations of the board of education hereinafter created.

Trustees.

§ 3. Abram Wood, residing in primary district number five, and whose term of office shall expire on the first Monday of January, eighteen hundred and sixty-five; Edwin W. Buding'on, residing in primary district number eight, and whose term of office shall expire on the first Monday of January, eighteen hundred and sixty-six; John W. Kerr, residing in primary district number eleven, and whose term of office shall expire on the first Monday of January, eighteen hundred and sixty-seven; and Isaac Denike, residing in primary district number fifteen, and

whose term of office shall expire on the first Monday of January, eighteen hundred and sixty-eight, are hereby appointed trustees in and for said primary school districts respectively; and Charles W. Schaffer and Henry H. Reynolds, whose terms of office shall expire on the first Monday of January, eighteen hundred and sixty-five; William C. Hale and George Southwick, whose terms of office shall expire on the first Monday of January, eighteen hundred sixty-six; and Marius Schoonmaker and Solomon Hommel, whose terms of office shall expire on the first Monday of January, eighteen hundred sixty-seven, are hereby appointed trustees for and in behalf of said "Kingston school district."

Terms of
office.

§ 4. Whenever the term of office of trustee of any of the said "Primary school districts" expires on the first Monday of January in any year, there shall be elected in and for the said "Primary school districts" on the first Monday of December preceding, in the manner that trustees of school districts are elected, one trustee who shall be a resident of said primary school district and who shall hold his office for three years. There shall also be elected in said primary school district, at the time of electing trustee, a clerk who shall hold his office for three years. Within ten days after such election the clerk of said primary school district shall certify to the board of education hereinafter created, the names of the officers so elected.

Election of
trustees
and clerk of
primary
school dis-
tricts.

§ 5. On the second Monday in December in each year, after the present year, there shall be elected in the same manner that trustees of school districts are elected, two trustees in and for the said Kingston school district, who shall hold their office for three years from the first Monday of January following. Every officer appointed or elected under the provisions of this act, shall hold his office until his successor is elected or appointed and enters upon the discharge of the duties of his office.

Election of
trustees in
Kingston
school dis-
trict.

§ 6. Notices of elections and all other meetings of said districts shall be given by said board of education hereinafter created, at least ten days before such election or meeting, by publishing notice in one or more of the newspapers published in the said Kingston school district, and by posting the same on the outer door of the school house or houses in the district in and for which such elec-

Notices of
election.

tion or meeting is to be held, and at not less than five other public places in said district.

Supplying
vacancies.

§ 7 In case of vacancy of any office of trustee mentioned in this act, occasioned by the death of such officer, his refusal to serve, removal out of the district for which he was appointed or elected, his incapacity, or any other cause, other than the expiration of the term of office of persons elected, said board of education may make an appointment to fill such vacancy. The officer so appointed shall hold his office for the unexpired term of the person to supply whose place he shall be so appointed.

Removal of
trustees.

§ 8. Any trustee or other officer of the said "Kingston school district" may be removed from office for official misconduct by a vote of two-thirds of the members of the board of education hereinafter created; but a written copy of the charges preferred against him shall be served upon him at least ten days before the time appointed for a hearing of the same, and he shall be allowed a full and fair opportunity of refuting such charges before such removal.

Kingston
board of
education.

§ 9. The said trustees of the said Kingston and primary school districts, and their successors to be chosen as provided in this act shall constitute a board to be styled the "Kingston board of Education," which shall be a body corporate, with all the general powers of a corporation under the Revised Statutes. The first meeting of the board shall be held in the said village of Kingston, on the last Wednesday of May, eighteen hundred and sixty-three, and the annual meeting of said board shall be held on the last Wednesday of April in each year. At the first meeting of the board, and annually thereafter at the annual meeting, they shall elect one of their number president of the board, and whenever he shall be absent a president *pro tempore* shall be appointed. The members of the said board shall not receive any compensation for their services; neither shall they be interested directly or indirectly in any contract for improvements or repairs which may be made by said board. The said board shall meet for the transaction of business, as often as once in every three months, and may adjourn for a shorter period. Special meetings may be called by the president, or in his absence or on his refusal or inability to act, by a majority of the members of the board,

as often as necessary, by giving personal notice to each member of the board, or by causing a written or printed notice to be left at his place of residence at least twenty-four hours before the time for such special meeting.

* § 11. The said board shall appoint a secretary, who shall be a taxable inhabitant of said district, and who shall hold his office during the pleasure of the board. The said secretary shall attend the meetings of said board, and make and keep a record of the proceedings thereof in a book to be provided by the board for that purpose, and shall perform such other duties as the board may require.

Secretary
of board.

§ 12. The said board shall have power, and it shall be their duty to appoint a treasurer and collector for the said "Kingston school district," who shall be a taxable inhabitant of said district, and who shall severally hold their appointments for one year and until others are appointed in their stead, unless sooner removed by the board for cause, and only one such appointment shall be held by the same individual at the same time. Such treasurer and collector shall severally and within ten days after notice in writing of their appointment, and before entering upon the duties of their office, execute and deliver to said board of education, a bond in such penalty and with such sureties as the board may approve, conditioned for the faithful discharge of the duties of their respective offices, and that they will well and truly account for and pay over, on demand to said board of education all moneys which they may receive as such officers.

Treasurer
and collector.

Bonds to be
given.

§ 13. The said board of education shall have power, and it shall be their duty to raise from time to time, by tax to be levied upon all the real and personal estate, in said "Kingston school district," which shall be liable to taxes for the ordinary county and town charges, in like manner as county and town charges or taxes are levied and raised, such sum not exceeding in all five thousand dollars in any one year, as they may determine to be necessary and proper, and such additional sum as the taxable inhabitants of said "Kingston school district," at any annual meeting, may direct to be raised, not exceed-

Tax to be
levied.

ing the like amount of five thousand dollars as aforesaid, for any and all of the purposes, to which the powers and duties of the said board extend as hereinafter mentioned.

Tax list and
collection
of tax.

§ 14. For the purpose of collecting any tax or taxes voted to be raised or levied by said board of education, such board shall make out or cause to be made out a tax list in the manner by law provided in cases of school district taxes, and shall issue their warrant in like manner for the collection thereof and shall deliver the same to the collector, which warrant may be renewed from time to time by said board in their discretion. The collector upon receiving such warrant shall immediately proceed to collect the taxes directed thereby to be collected; and in making such collections shall proceed in the same manner, possess the same powers, and be entitled to the same fees as collectors of taxes in school districts.

Moneys to
be paid to
treasurer.

§ 15. All moneys raised or to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said Kingston school district, whether from the common school or literature fund, or under "An act to establish free schools throughout the State," or otherwise, shall be paid to the treasurer appointed by said board. The said treasurer shall be liable to the same penalty for official misconduct in relation to the said moneys as the treasurer of the village of Kingston would be for any similar misconduct in relation to moneys of said village.

Id.

§ 16. All moneys raised by virtue of this act, or received by said Kingston school district, for the use of the public schools therein, shall be deposited for safe keeping with the treasurer appointed by said board, and the said treasurer shall keep all the funds which may come to his hands, separate and distinct from all other moneys, and any violation of this section shall be deemed a misdemeanor and punished accordingly.

Books of
account to
be kept.

§ 17. The treasurer shall be furnished by the board of education with necessary books in which to enter and keep his official accounts; and he shall keep a true account of all the moneys received and disbursed by him, and of the parties from whom received, and to whom and for what purpose paid out. He shall also keep an account with every teacher or other person employed by the board of education, and every officer of the district who

shall receive any pay or compensation; and shall make reports to the board whenever required by them. The drafts drawn on the treasurer shall be numbered consecutively, and the treasurer in any question of priority of payment shall pay all such drafts in the order of their respective numbers, unless otherwise specially directed by the board of education. The books of the treasurer, and also the records of the proceedings of the board of education, shall at all times be subject to inspection by the taxable inhabitants of said district.

§ 16. No moneys shall be paid from the treasury, except on drafts drawn by the president, and countersigned by the secretary of the said board of education, in pursuance of a resolution of said board, which draft shall be made payable to the order of the person or persons entitled to receive said moneys, and shall state on their face respectively the purpose or service for which the same are drawn.

How moneys to be drawn.

§ 19. The said board shall have power and it shall be their duty:

Powers of board of education.

First. To establish and organize in said Kingston school district so many primary school districts, primary departments or schools, and departments of higher grades, including an academical department, to alter and discontinue the same as they may deem advisable.

Second. To hire or purchase school houses, school rooms, lots or sites for school houses, or sites with buildings thereon, to be used as school houses, and to fence and improve such sites, and to sell the same with their appurtenances, as they may deem proper; provided such sale be authorized by a vote of the district.

Third. To build, enlarge, alter, improve, and repair school houses, with their outhouses and appurtenances as they may deem advisable.

Fourth. To have the custody of the said school houses, outhouses, books, furniture and appurtenances, and to see that the ordinances, in relation to the care and safe keeping of the same be observed.

Fifth. To contract with, and employ all teachers in said public schools, the number of teachers not to be less than one for every fifty pupils attending such schools.

Sixth. To pay teachers' wages after the application of the public money which may by law be appropriated and

provided for that purpose, from the money authorized by this act to be raised for that purpose.

Powers of
board of
education.

Seventh. To defray all necessary and contingent expenses of establishing and maintaining the said public schools with proper furniture, library and apparatus, and the necessary and contingent expenses of said board of education.

Ib.

Eighth. To have in all respects the superintendence and management of the public schools of the said "school district," and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one department to another, and generally for their good order and government; to receive into said public schools pupils residing out of the said "Kingston school district," to regulate the tuition fees of such non-resident pupils and to collect the same; to expel any scholar for misconduct or cause injurious to the interests of the school; to regulate the transfer of pupils from one department to another; to direct what text books shall be used in said public schools; to provide and keep in repair school apparatus, books, furniture and appendages; to provide fuel and other necessities for the said public schools, and to appoint assistant librarians, as they may from time to time deem proper, and regulate their duties.

School li-
braries.

§ 20. The said trustees shall be trustees of the school libraries in said school district, and all the provisions of law relative to school district libraries, shall apply to said trustees in like manner as to the trustees of any school district; they shall also be invested with the same discretion as to the disposition of the moneys appropriated by law, for the purchase of libraries, as is conferred by law upon the inhabitants of school districts. It shall be their duty to provide rooms for such libraries, and the necessary furniture therefor. The librarian shall report annually to the board the condition of the libraries under his charge; and the said board shall make all purchases of books for said libraries and direct the mode of their distribution.

Title to prop-
erty vest-
ed in board
of educa-
tion.

§ 21. The title to the school houses, lots, furniture, books, apparatus, and appurtenances, and all other school property in this act mentioned, shall be vested in the

said board of education, and the same while used or appropriated for school purposes, shall not be subject to taxation, and shall not be levied on or sold by virtue of any warrant, or execution, except for teachers' wages, and the purchase price of articles bought by direction of the said board, and except that the lien and all proceedings for enforcing the same, of mechanics and others for labor, and materials furnished in erecting, altering, or repairing buildings, and their appurtenances shall in no way be affected or impaired by this act; and the said board in its corporate capacity, shall have full right and authority to take and hold any personal and real estate transferred to it by grant, gift, devise or bequest, subject to the limitations provided by law, in trust for the public schools or educational interests of said Kingston school district, whether the same be in terms to said board in its corporate name or by any other designation, or to any person, persons or bodies for the benefit of said public schools; and all real or personal estate so transferred shall be accepted, held, used and applied as specified in the article or deed of transfer.

§ 22. The said board of education shall once in each year and at least fifteen days before the annual meeting for the election of officers, make a report to the inhabitants of the district, in which they shall set forth the whole amount and items of the moneys received, raised and collected by them during the year preceding the date of such report, and the amount and items of the expenditures for the same time, also the number and condition of the various schools and departments in said school district; the number of pupils attending such schools and departments during the year, the number and names of the teachers employed by them, and the text books in use in such schools; the number of volumes and condition of the books in the libraries of said districts; and such other facts and information relative to the affairs of said district as in their judgment may be of interest to the inhabitants thereof; and shall publish such report for the whole of the said period of fifteen days in two of the newspapers published in the said village of Kingston.

Board of
education
to report to
inhabitants
of district.

§ 23. The academical department which may be established, as aforesaid, shall be entitled to its distributive

Academical
department.

share of the literature fund in like manner and on like conditions with the academies of this State; and the said academical department shall be subject to the visitation of the regents of the university in like manner with the other academies of this State.

Primary district may be made part of Kingston school district.

§ 24. It shall be lawful for the inhabitants of any school district in the town of Kingston, adjoining said Kingston school district, at any annual or special meeting by a vote of a majority of the legal voters present, to declare said district to be a primary district, and to form a part of the said "Kingston school district." They shall then elect one trustee and one clerk in the manner provided by this act, and shall hold their office for the term of three years from the first Monday of January following. The said trustee shall be a member of the said "Kingston board of education," and the said primary district shall be subject to all the conditions, rules and regulations of said "Kingston board of education," the same as any other primary district included in the said "Kingston school district," but no such action of any school district shall take effect or become operative for any purpose until said "Kingston board of education" shall by resolution accept such school district as such primary district.

Superintendent of public instruction.

§ 25. Nothing in this act shall be construed to affect or impair the powers or duties of the superintendent of public instruction, in relation to the school districts hereby consolidated, but the same shall apply and be in force as to the school district hereby created, and the school or schools which may be maintained in said districts in like manner with the other districts and schools of this State.

Organization of board of education.

§ 26. On the third Wednesday in May, eighteen hundred and sixty-three, a meeting shall be held at the court house, in the said village of Kingston, of the persons qualified to vote at school district elections in the several school districts mentioned in the first section of this act, at which the president of the board of trustees of the village of Kingston, or, in case of his non-attendance, any one of the trustees of the said village to be designated by a majority of those present at the opening of the meeting shall preside and regulate the proceedings and decide all questions which may arise thereat, at the

said meeting. And it shall then and there be determined by the vote of a majority of those who may attend and vote at the said meeting, whether the board of education, herein mentioned, shall or shall not organize; the votes shall be by ballot—on each ballot shall be written or printed “For the School Law,” or “Against the School Law.” The poll shall open at eight o’clock in the forenoon, and remain open till six o’clock in the afternoon. A clerk or clerks to be appointed by the presiding officer shall receive the votes, keep a proper poll list of the persons voting and canvass the votes given. The result of the said election shall be certified in due form by the presiding officer and his certificate thereof be filed within twenty-four hours after the poll shall close, with the clerk or other proper officer of the said board of trustees. If a majority of the votes thus given be “For the School Law,” the said board of education shall organize as provided by this act; but if a majority of the said votes shall be “Against the School Law,” then and thereafter the provisions of this act shall be of no further force or effect, and the said several school districts mentioned in the first section hereof, shall be and remain separate school districts as they now are.

§ 27. This act shall take effect immediately.

Chap. 361.

AN ACT to authorize the construction of a railway and tracks, in the towns of West Farms and Morrisania.

Passed May 2, 1863.

The People of the State of New York, represented in Senata and Assembly, do enact as follows:

SECTION 1. It shall be lawful for George W. Devoe, William Cauldwell, John B. Haskin, Edward Baach, Ralph L. Anderson, Frederick Grote, Charles Bathgate, James Edwards, C. H. Reynolds, John C. Kayser, Silas D. Gifford, Thomas Stewart, Henry R. Wilkinson, Richard Sill, and those who may now or hereafter be associated with them, shall have the exclusive right to lay a double track on the centre of the Boston Post road, and to use and

operate the same, commencing at or near the termination of the Harlem or Coles bridge, on the Westchester side, and running along said road to a point where the said road intersects with Fordham avenue, and thence along said Fordham avenue, by a single or double track, with necessary turn-outs, to the King's Bridge road; thence along the same to the Harlem railroad, at or near its depot at Fordham.

Cars, how drawn.

§ 2. The cars to be used on said road shall be drawn only by horses or other animals.

Rails and track.

§ 3. The rails to be laid on said road shall be of the most approved pattern (such as are used on the Philadelphia city railroads), of the weight of not less than thirty pounds to the yard. Between the tracks and between the rails shall be macadamized and kept in good repair, and on each side of the rails outside of the tracks to a distance of six feet on each side of the outside rails of both tracks thereof the road shall be paved with the Belgian or other approved pavement, or shall be macadamized and kept in good repair, and the rails shall be so laid as not to obstruct carriage travel, and the said grantees shall best conform their tracks to the grades of the roads as they now are or may be changed by the authorities of the town.

Time for building road.

§ 4. The said road, from its point of commencement at Harlem bridge to Eighth street, Morrisania, shall be completed in six months; and from that point to the Fordham depot in twelve months from the passage of this act. If the said corporation are delayed in commencing or completing the said railroad by any cause other than their own act the time during which such delays continue shall not be included in said period.

Rate of fare.

§ 5. No greater amount of fare shall be charged any passenger from Harlem bridge to Eighth street, West Farms, than five cents; nor a greater sum from Harlem bridge to Tremont than eight cents; nor a greater sum than ten cents for the entire distance.

Grantees may issue bonds.

§ 6. The grantees herein named, and their successors or associates, shall have power to issue bonds or obligations for the construction, equipping and running of said road, to the amount of one-half of the capital stock necessary for such purposes.

Grantees

§ 7. Said grantees and their associates are hereby re-

quired, within two months after the passage of this act, to organize under an act of the legislature entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty; and such corporation when so formed shall have the powers and be subject to all the provisions of the said act not inconsistent herewith except the following sections or any modification of them; viz.: the twenty-seventh, thirty-first, thirty-fourth (as far as it relates to the transportation of property), thirty-seventh, thirty-eighth, thirty-ninth, fortieth, and forty-fourth, and excepting also as to the number of associates and the amount of capital stock to be subscribed, as required by the first and second sections of the said act. But the said corporation shall make an annual report to the State Engineer and Surveyor of its business and affairs in such manner and form as he shall require.

must organize under act of 1850.

§ 8. The corporation formed under this act is hereby required to make a reasonable compensation to the owner or proprietor of the Union stage line, McGough Independent stage line, by reason of the purchase of the same, or damages, by reason of the laying of said track, to this line; and for such purpose the corporation, or the grantees herein, or a majority of them, shall appoint one disinterested party, the owner of the stage line shall appoint one disinterested party, and these two shall agree upon the amount to be paid the owners of said stage lines. If the said parties shall fail to agree upon the price to be paid by the parties herein, then the appraisers shall choose a third party, and a decision of a majority of them shall be final and binding upon the corporation and the proprietor of the stage lines; said stages to be run by the proprietor thereof until the completion and operation of said road as far as Eighth street in Morrisania.

Must make compensation to owners of Union Stage line.

§ 9. It shall be lawful, and the corporation formed under this act is authorized to lay railway tracks at the termination of its road at Fordham or at any other convenient point, by the most feasible route, to the village of West Farms, and from thence to the village of Westchester, and from thence to the village of Mount Vernon, in the towns of West and East Chester; and said roads may be operated by dummy engines. Bridges crossing navigable streams, for the use of said railroads, shall be

Location of track, and dummy engine.

proviso.

constructed with sufficient and proper draws, provided the consent in writing shall first be obtained from the supervisor and commissioners of highways of the respective towns, before constructing either of the roads provided for in this section.

§ 10. This act shall take effect immediately.

Chap. 362.

AN ACT in relation to proceedings in Surrogates' Courts, and to the fees of Surrogates, and the compensation of executors and administrators, and to a clerk for Surrogates.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Service of
citation.**

SECTION 1. Section six of chapter four hundred and sixty of the Laws of eighteen hundred and thirty-seven, is hereby repealed, and section eight of the same chapter is amended by adding thereto as follows: "If such citation is directed to a minor under the age of fourteen years within this State, whose name and residence can be ascertained, a copy thereof shall be delivered to such minor personally, and also to his father, mother or guardian, or if there be none within this State, then to any person having the care and control of such minor, or with whom he shall reside or in whose service he shall be employed. In all cases where service is made by publication, a copy of said citation shall also be mailed to each person so served, at his place of residence or post office address, if the same can be ascertained, at least thirty days before the return day thereof; upon the return day of the citation, or before taking any proceedings upon the will, the surrogate shall ascertain whether any and which of the persons mentioned in section five of said chapter are minors, and the names and places of residence of their general guardians, if they have any, and if there shall be no general guardian within this State, who shall have been served with said citation, the surrogate shall, by an order to be entered, appoint a special guardian for such minors, to take care of their interest

in the premises, and the written consent of every person so appointed special guardian to serve as such, shall be filed with the surrogate, and such special guardian shall appear in person before said surrogate before any evidence is taken in regard to the will; the testamentary guardian named in the will to be proved, shall not for this purpose be deemed a general guardian."

§ 2. Section seven of chapter four hundred and sixty, of the Laws of eighteen hundred and thirty-seven, is hereby amended by striking out the following clause thereof, viz.: "Or if any of them are minors, to their guardians by name, stating their place of residence."

§ 3. Section twenty-seven of title two, chapter six, part two of the Revised Statutes, is hereby amended by adding thereto the following, viz.:

This section shall not be construed to authorize the granting of letters to any relative not entitled to succeed the personal estate of the deceased as his next of kin at the time of his decease.

Prohibition
as to grant-
ing letters
of adminis-
tration.

§ 4. Section thirty-two of title two, chapter six, part two, of the Revised Statutes is hereby amended, so that the latter clause thereof shall read as follows:

Nor to any married woman, unless with the written consent of her husband. But, with such written consent, she may administer without her husband. And the words, "but where a married woman is entitled to administration, the same may be granted to her husband in her right and behalf," are hereby stricken out.

Letters of
administra-
tion to mar-
ried women

§ 5. Section sixty-two, title three, chapter six, part two, of the Revised Statutes, is hereby amended by adding thereto as follows, viz.:

In all cases of service by publication, a copy of the citation shall be mailed to each of the persons so served, at least thirty days before the return day thereof, to his place of residence or post office address, if his name and post office address can be ascertained.

Mailing
copy cita-
tion.

§ 6. In proceedings to mortgage, lease or sell the real estate of deceased persons, under title four, chapter six, part two, of the Revised Statutes, minors shall be served with the order to show cause, and special guardians appointed for them in the same manner as citations are required to be served and special guardians appointed, on the proof of wills, instead of in the manner special

In applica-
tions to sell
real estate,
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Previous.

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Chap. 362.

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Passed May 2, 1863; three-fifths being present.

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In applica-
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real estate,
minors and
special
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to be served
with orders
to show
cause.

guardians are now required to be appointed for minors and service of the order to show cause to be made on them or said minors. Upon the hearing on the order to show cause, the surrogate may order a sale of a portion, and a mortgage or lease of another portion of such real estate: and only one order to show cause need be made in any proceeding.

When surrogate not to receive fees.

§ 7. In all cases where the inventory of personal property of any testator or intestate, filed in the office of the surrogate, shall not exceed the sum of five hundred dollars, no fees for any service done or performed by the surrogate shall be charged to, or received from, the executor or administrator, and if the petition for letters testamentary or of administration shall allege that, in the belief of the petitioner, the said inventory will not exceed in amount the sum aforesaid, no fees shall be received until it appears from the said inventory, when filed, that the personal property does not exceed that sum, and in all cases of the appointment of guardians, where it shall appear that the application is made for the purpose of enabling the minor or minors to receive bounty arrears of pay or prize money due for the services of the parent or brother, of such minor or minors in the military or naval service of the United States, no surrogate fees shall be charged or received.

Compensation of executors and administrators.

§ 8. Section fifty-eight of article third, title third, chapter sixth, part second, of the Revised Statutes, is hereby amended so as to read as follows:

On the settlement of the account of an executor or administrator, the surrogate shall allow to him for his services, and if there be more than one, shall apportion among them, according to the services rendered by them respectively, over and above his or their expenses.

For receiving and paying out all sums of money, not exceeding one thousand dollars, at the rate of five dollars per cent.

For receiving and paying out any sums exceeding one thousand dollars, and not amounting to ten thousand dollars, at the rate of two dollars and fifty cents per cent.

For all sums of above ten thousand dollars at the rate of one dollar per cent. And, in all cases, such allowance shall be made for their actual and necessary expenses as shall appear just and reasonable. But if the personal

estate of the testator or intestate shall amount in value to not less than one hundred thousand dollars, over and above all debts and liabilities of the testator or intestate, and there shall be more than one executor or administrator, then, instead of apportioning the compensation herebefore mentioned among such executors or administrators, each and every of such executors or administrators shall be entitled to, and shall be allowed, the full amount of compensation to which he would have been entitled, by the provisions of this act, if he had been sole executor or administrator; provided, however, that the whole amount of the compensation of such executors or administrators shall not exceed what would be, by the provisions hereof, paid to three executors or three administrators; and that if there shall be more than three executors or administrators, then, what would be the compensation of three executors or three administrators shall be divided among them, all the executors or administrators, in equal shares, and there shall also be allowed on each settlement, such sum for counsel fee thereon, and preparing therefor, as to said surrogate shall seem reasonable, not exceeding the sum of ten dollars for each day engaged therein.

§ 9. Any clerk employed in any surrogate's court, whom said surrogate shall, in writing, designate by order, to be filed and recorded in his office, shall have power to certify, under the seal of the surrogate, copies of all orders, decrees, minutes and proceedings required by law to be recorded in the office of the said surrogate's court, and to sign, as clerk to the surrogate's court, all citations and other writs and process now required to be issued therefrom, and to administer oaths and certify the same, for use in said surrogate's court; and the certificate of such clerk, under seal of the surrogate's court, shall entitle any paper so certified to be received in evidence, but no fees for any of such services shall be charged in any case, except as now provided and limited by statute. And the said surrogate, by a like order so to be filed and recorded as aforesaid, may from time to time revoke such designation and appoint some other clerk to have such power.

Authority
of clerk of
surrogate.

§ 10. Section sixteen of chapter four hundred and thirty-two of the Session Laws of one thousand eight

Act of 1847
amended.

hundred and forty-seven, entitled "An act in relation to the fees and compensation of certain officers in the city and county of New York," passed December tenth, one thousand eight hundred and forty-seven, is hereby amended by inserting after the words "and no greater sum shall be paid in any one of the said offices" the words "except for the surrogate's office."

§ 11. This act shall take effect immediately.

Chap. 363.

AN ACT to provide for the compensation of the police force and the police justices of the city of Albany.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the amounts respectively named and provided for the compensation of the several officers and members of the police force of the city of Albany, by chapter eighty-two of the Laws of eighteen hundred and fifty-nine, entitled "An act to provide for the organization and government of the police force of the city of Albany," and by chapter sixty-two of the Laws of eighteen hundred and sixty, amendatory of the aforesaid act, and in addition to the amount provided for the salary of the police justices of the said city, by chapter one hundred and thirty-nine of the Laws of eighteen hundred and fifty-four, entitled "An act in relation to the police justices of the city of Albany," the mayor, aldermen and commonalty of the city of Albany, in common council convened, shall have power and authority to add to and increase such compensation and salary, and to fix and determine the amount thereof, collectively or severally, at any sums not exceeding as follows, viz.: To the chief of police, one thousand and three hundred dollars per year; to each captain of police, eight hundred dollars per year; to each lieutenant of police, seven hundred and fifty dollars per year; to each of the six policemen attached to and performing duty at the police court, seven hundred dollars per year; to each of the

other policemen, six hundred and fifty dollars per year, and to each doorman, five hundred and fifty dollars per year, and to each of the police justices of the said city, the sum of eighteen hundred dollars per year, and which shall include and be in payment of the amount provided by said chapter eighty-two of the Laws of eighteen hundred and fifty-nine, for services and salary as secretary of the police board, one of whom, to be designated by said board, shall be the secretary thereof.

§ 2. In addition to the amount now authorized by law, the police board of the said city shall be authorized to require of the board of supervisors, to be raised by tax, in the manner provided for assessing, levying and collecting the general taxes of said city, such sum, not exceeding three thousand dollars, as shall be necessary to defray the expenses of this act, which, when collected, shall be disposed of according to section thirty-eight of said chapter eighty-two of the Laws of eighteen hundred and fifty-nine.

§ 3. This act shall take effect immediately.

Chap. 364.

AN ACT granting certain lands under water in Philipstown, Putnam county, to the Garrison and West Point Ferry Company.

Passed May 2, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the people of the State of New York to the lands under water, or below high water mark, in Philipstown, Putnam county, as hereinafter described, is hereby granted to the Garrison and West Point Ferry Company, and their successors and assigns, in fee simple. The said lands are bounded and described as follows: Commencing at high water mark on the easterly shore of the Hudson river, at the southwesterly corner of lands belonging to Frederick Philipse, and running thence westerly to the channel of the Hudson river; thence southerly along the said channel eight hundred and ten feet, more or less; thence

easterly parallel with the first line to the easterly shore of said river to high water mark ; thence northerly along the shore of said river to the place of beginning. The same being the water front to lands belonging to the said ferry company.

§ 2. The grantees above mentioned, their successors and assigns shall have power to erect such docks and wharves on the premises hereby granted, and to collect dockage and wharfage for the use thereof, as they may deem advisable, but the legislature may, at any time hereafter, regulate the rates of such dockage and wharfage, as they shall think proper.

§ 3. This act shall take effect immediately.

Chap. 365.

AN ACT to incorporate the Hudson and Harlem River Canal Company.

Passed May 2, 1863 ; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Objects of
corporation.

SECTION 1. All persons who shall become subscribers to the stock of the corporation hereby created, shall be and are hereby constituted a corporation by the name of Hudson and Harlem River Canal Company, for the purpose of constructing, maintaining, managing and operating a canal with all the necessary or proper basins, docks, wharves, piers, bulkheads or other works or appendages connected therewith, commencing at the bulkhead line of the Hudson river as located by the harbor commissioners at the mouth of the Spuyten Duyvil, and thence to the draw or swing bridge of the Hudson river railroad, thence along such line or route as the directors may deem proper to the bulkhead line on the Harlem river, as located by the harbor commissioners, subject to the modifications as provided in section eight of this act.

Prohibition

The company hereby created shall not charge any toll for any ship, vessel or canal boat, steamers, sloops, boats or other vessels, or craft of any kind, for navigating any portion of the canal to be made under this act so far as the waters taken by it are now navigable, nor shall the

said company interfere with the rights of any riparian owner owning lands bordering on such waters now navigable.

§ 2. The capital stock of the said company shall be one hundred thousand dollars, with liberty to the directors to increase the same from time to time as they may deem necessary, for the completion or the improvement of their works, to an amount not in all to exceed five hundred thousand dollars. The said stock shall be divided into shares of one hundred dollars each. Books of subscription, therefor, shall be opened under the direction of the directors, subject to such regulations as they may prescribe, and no subscription shall be received unless the subscriber shall at the time of subscribing pay to the directors ten per cent on the amount of the stock subscribed by such subscriber.

Capital
stock.

§ 3. There shall be a board of directors, and said directors shall, after the first year, be chosen annually by a majority of the votes of the stockholders, voting at such election in such manner as may be prescribed in the by-laws of the company, and they may, and shall continue to be directors until others are elected in their places. In the election of directors each stockholder shall be entitled to one vote personally or by proxy on every share held by him thirty days previous to any such election, and vacancies in the board of directors shall be filled in such manner as shall be prescribed in the by-laws of the company. No person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen; and at every election of directors the books and papers of the company shall be exhibited to the meeting if a majority of the stockholders present shall require it; and Matthew T. Brennan, Daniel Devlin, Adon Smith, James A. Henderson, Stephen C. Walker, Egbert N. Fairchild, Jonathan W. Allen, William J. Peck, James C. Willet, James M. Cromwell, James E. Nolan, Henry Smith, Milton Courtwright, William R. Stewart, John P. Cummings, George N. Van Nort, Henry W. Genet and Charles A. Lamont shall in case they become subscribers to the said stock, be the first directors of the said company, and shall hold their

Directors
and their
election.

offices until the first annual election after this act shall take effect, and until others shall be chosen in their stead.

Officers.

§ 4. The directors shall appoint one of their number president; they may also appoint a treasurer and secretary, and such other officers and agents as shall be prescribed by the by-laws.

Payment of subscription.

§ 5. The directors may require the subscribers to the capital stock of this company to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall neglect to pay any installment as required by a resolution of the board of directors, the said board shall be authorized to declare his, her or their stock, and all payments thereon, forfeited for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice in writing to be served upon such stockholder personally, or by depositing the same in the post office, properly directed to such stockholder at the post office nearest the usual place of residence of such stockholder, stating that such payment is required to be made at the time and place specified in such notice, and if such payment is not made the stock of said stockholder upon which payment is required, and all previous payments thereon, will be forfeited for the use of the company; which notice shall be served as aforesaid at least thirty days previous to the day on which such payment is required to be made.

Transfer of stock.

§ 6. The stock of the company formed under this act shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of the company, and no shares shall be transferable until all previous calls thereon shall have been fully paid in, and it shall not be lawful for the company to use any of its funds in the purchase of any stock in its own or in any other corporation.

Powers of company.

§ 7. In addition to the powers and liabilities conferred on corporations, in and by the third title of chapter eighteen of the first part of the Revised Statutes, the said company shall have power:

1b.

1. To cause such examination and surveys for the said canal basins and other works to be made as may be necessary to ascertain the most advantageous route and manner of constructing the same, and for that purpose

by its officers and agents to enter upon the lands and waters of any person or corporation, but subject to responsibility for damages which shall be done thereto.

2. To purchase, acquire, hold and use in fee simple or otherwise all such real estate, water rights and other property as may be required, and be necessary for the construction, use and maintaining of a canal and basins and other works or structures connected therewith, as herein next specified.

Powers of
company.

3. To make, construct and maintain a canal or slack water navigation of suitable width, depth and dimensions, to be determined by the directors, but not of less than sixty feet water surface in width, nor less than seven feet in depth of water at low water, for the passage of vessels, boats and floats of all descriptions, whether propelled by sails, steam or other power, along the line or route described in section one of this act, and subject to the modification therein provided; and also for the use, convenience, maintenance and protection of the said canal, or of the vessels navigating the same, or the business connected therewith, to construct and maintain suitable embankments, basins, walls, docks, wharves, piers, offices and toll houses and other necessary and convenient works, buildings and grounds connected therewith, but nothing herein contained shall be held or construed to grant any right of this State to land under water.

1b.

4. To deepen the channel of either of the said rivers beyond the limits of the canal and within the limits of the navigation of said rivers, whenever in the opinion of three-fourths of the directors the interest of the company will be advanced thereby.

1b.

5. To establish and collect such rates of toll and charges as the directors may from time to time deem proper and as shall be approved by the canal board, subject to modifications and restrictions provided in section seventeen of this act, upon all ships, steamers, sloops, boats or other vessels or craft of any kind or description entering or using said canal or basins, and upon all articles of produce, manufacture, trade or merchandise which shall enter or be conveyed or transported in, upon or through the said canal or basins, and also to establish and collect such rates of dockage, wharfage and basin charges as the directors may from time to time deem

1b.

proper, from all vessels or persons occupying or using any of the basins, docks, wharves, slips, piers or other works or grounds of the said company.

Powers of
company.

6. To adopt, and from time to time change as the directors shall see fit, all such rules and regulations which shall not in anywise be inconsistent nor in conflict with the revenue laws of the United States, as they may deem proper for the management of said canal, basins, docks, wharves, piers, slips and other works connected therewith, and for the regulation of all vessels or persons entering or using the same, and as to the time, place and manner of the payment and collection of such tolls, dockage, wharfage and other charges on vessels, merchandise and persons subject thereto, and to prescribe penalties for the violation of any such rules and regulations, and the toll collectors or other persons authorized by the directors of the company for that purpose, may prevent any vessel or merchandise from entering or leaving the said canal and basins or either of them, or any wharf, dock, pier, slip or any works or grounds connected therewith until the amount of all lawful tolls, dockage, wharfage, basin or other charges shall have been fully paid; and the said company by its officers and agents is hereby authorized to take and use all necessary means to keep the entrance, ways, and passages leading to the said canal and basins, free and clear from any obstruction by vessels or otherwise.

1b.

7. From time to time to borrow such sum of money as may be necessary for completing and finishing the said canal and basins and other works hereby authorized, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted by the company for the purposes as aforesaid; and the directors may confer upon the holder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into the stock of the said company at any time not exceeding ten years from the date of the bond, under such regulations as the directors may see fit to adopt.

Maps of
route.

§ 8. Before constructing any part of the canal or other works connected therewith the directors shall cause maps to be made of the route intended to be adopted by said

company, which maps shall be certified by the president and engineer of the company or a majority of the directors, one of which shall be filed in each of the following offices: The State Engineer and Surveyor's office, county clerk's office of county of New York and county clerk's office of the county of Westchester. The company shall give written notice to all actual occupants of the land over which the route of the canal and other works is so designated, and which has not been purchased by or given to the company of the route so designated. Any party feeling aggrieved by the proposed location may, within thirty days after receiving written notice as aforesaid, apply to a justice of the supreme court out of court, by petition duly verified, setting forth his objections to the route designated, and the said justice may, if he considers sufficient cause therefor to exist, appoint three disinterested persons, one of whom must be a practical engineer, commissioners to examine the proposed route, and after hearing the parties to affirm or alter the same as may be consistent with the just rights of all parties and the public; but no alteration of the route shall be made except by the concurrence of the commissioner, who is a practical civil engineer. The determination of the commissioners shall, within thirty days after their appointment, be made and certified by them, and the certificate filed in the office of the county clerk in the county in which the alteration is made. Said commissioners shall each be entitled to three dollars per day for their expenses and services, to be paid by the person who applied for their appointment, and if the proposed route is altered or changed by the commissioners the company shall refund the amount so paid.

Notice to
occupant of
land.

Commis-
sioners to
fix route.

Pay.

§ 9. The directors may by a vote of two-thirds of their whole number at any time alter or change the route or any part of the route of their canal or other works hereby authorized, if it shall appear to them that the line can be improved thereby, and they shall make and file in the clerk's office of the proper county a survey, map and certificate of such alteration or change and a duplicate thereof in the office of the State Engineer and Surveyor, and shall have the same right and power to acquire title to any lands required for the purposes of the company in such altered or changed route as if it had been located

Change of
route.

there in the first instance; and in case of any alteration made in the route after the company has commenced grading or other work, compensation shall be made to all persons for injury so done to any lands that may have been donated to the company, and not used in consequence of such change of route. All the provisions of this act relative to the first location and to acquiring title to lands shall apply to every such new or altered portion of the route.

Authority
of commis-
sioners of
land office.

§ 10. The commissioners of the land office shall have power to grant to the company formed under this act any land belonging to the people of this State which may be required for the purposes authorized by this act, on such terms as may be agreed on by them; and if any land belonging to the county, city or town is required by the company for the purposes authorized by this act, the county, city or town officers having the charge of such land may grant such land to the company for such compensation as may be agreed upon, or such company may acquire title thereto of any lands specified in this section, except that belonging to this State, as in case of lands owned by individuals.

Acquiring
title to land.

§ 11. In case the company formed under this act is unable to agree for the purchase of any real estate required for the purposes of this incorporation, it shall have the right to acquire title to the same in the manner and by the special proceedings prescribed in this act.

Proceed-
ings there-
on.

§ 12. For the purpose of acquiring such title, the said company may present a petition, praying for the appointment of commissioners of appraisal to the supreme court, at a general or special term thereof, held in the district in which the real estate described in the petition is situated. Such petition shall be signed and verified according to the rules and practice of such court. It must contain a description of the real estate which the company seek to acquire, and it must in effect state that the company is duly organized under this act of incorporation, and that it is the intention of the company in good faith to construct and finish the canal and other works authorized by this act; and that fifty thousand dollars of the capital stock has in good faith been subscribed in accordance with the provisions of this act; that the company has surveyed the line or route of its proposed canal and other

works, and made a map or survey thereof, by which such route or line is designated; and that they have located their said canal or other work according to such survey, and filed certificates of such location, signed by the president and engineer of the said company or by a majority of the directors of said company, as required by section eight of this act; that the land described in the petition is required for the purpose of constructing or operating the canal and other works authorized by this act, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can by reasonable diligence, be ascertained, who own or have or claim to own or have estates or interest in the said real estate; and if any such persons are infants, their ages, as near as may be, must be stated; and if any of such persons are idiots, or persons of unsound mind, or are unknown, that fact must be stated together with such other allegations and statements of liens or incumbrances on said real estate as the company may see fit to make. A copy of such petition, with a notice of the time and place the same will be presented to the supreme court, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the presentation of the same to the said court, and the manner of serving such notice shall in all cases be the same as is provided in section fourteen of an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty.

§ 13. The provisions of the fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-sixth sections of an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, are made applicable to the corporation hereby created, and all the conditions therein contained, relative to real estate for railroad purposes, are hereby made applicable to real estate for the purposes of this corporation.

§ 14. In case any land belonging to the people of the State of New York, or to any county, city or town, is required for the purposes authorized by this act, the com-

Certain sections of act of 1850 applied.

Land may be donated by certain public officers.

missioners of the land office, or the county, city or town officers having charge of such land, are hereby authorized to donate all or any part of such land to said company if they shall deem it proper to do so; and where said canal shall cross any public street, avenue, road or highway, the company shall not be required to make compensation for the land so taken of the public street, avenue, road or highway, but shall, by suitable bridges, restore it to such a state as not to impair its usefulness, and in the construction of such bridges they shall not be required to erect any better bridge than the bridge over Harlem river at McComb's dam.

Appraisals.

§ 15. In all cases of appraisal under this act, where the mode or manner of conducting all or any of the proceedings to the appraisal and the proceedings consequent thereon are not expressly provided for, the courts before whom such proceedings may be pending, shall have the power to make all necessary orders and give the proper directions to carry into effect the object and intent of this act, and the practice in such cases shall conform as near as may be to the ordinary practice in such courts.

Is.

§ 16. When any proceedings of appraisal shall have been commenced, no change of ownership by voluntary conveyances, or transfer of real estate, or any interest therein, or of the subject matter of the appraisal, shall in any manner affect the proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made.

Tolls and charges may be altered.

§ 17. The legislature or the canal board may, when such canal and other works shall be opened for use, from time to time alter or reduce the rate of tolls and other charges or other profits on such canal and other works, but the same shall not, without the consent of the company, be so reduced as to produce with said profits less than ten per centum per annum on the capital actually expended; nor unless on an examination of the amounts received and expended, to be made by the State Engineer and Surveyor and the Comptroller, they shall ascertain that the net income derived by the company from all sources for the year then last past shall have exceeded an annual income of ten per cent upon the capital of the company actually expended.

§ 18. The provisions of the tenth, eleventh, and twelfth sections of an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, are hereby made applicable to the corporation hereby created.

Other sections of act of 1850 applied.

§ 19. If any person or persons shall willfully do or cause to be done any act or acts whatever, whereby any work or structure authorized by this act, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offense.

Certain offenses misdemeanors.

§ 20. If the said corporation shall not, within two years after this act shall take effect, begin the construction of the said canal and works and expend thereon ten per cent of the amount of its capital, or shall not finish the said canal so as to admit of the regular passage of vessels through the entire length thereof within five years of the time of this act taking effect, its corporate existence and powers shall cease.

When act to cease.

§ 21. The legislature may at any time alter, modify or repeal this act or any of the provisions contained therein, but such alteration, modification or repeal shall not take away or impair any of the liabilities or any remedy given against such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

May be modified or repealed.

§ 22. Nothing in this act contained shall be construed to affect or impair any rights of the Hudson River Railroad company, or to give to the corporation hereby created the power to acquire title to any lands occupied by said railroad company, or to enter upon its lands so as to stop or interfere with in any manner its business and traffic over its road, or render it necessary for said road to make any new erection or addition to its bridge or tracks.

Limitation of powers.

§ 23. Each stockholder shall be personally liable to an amount equal to his stock for the debts and liabilities of the said company.

Liability of stockholders.

§ 24. This act shall take effect immediately.

Chap. 366.

AN ACT for the relief of John Ecker.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to investigate the canal repair contract of John Ecker, for keeping in repair the Cayuga and Seneca canal, and if upon such investigation they shall find that the labor and material required to put said canal in suitable repair, in the spring of eighteen hundred and sixty-two, under said contract, was more than was or could have been reasonably anticipated, then the canal board are hereby authorized to award to said John Ecker the sum of money deposited by him with the auditor, and also such further sum of money as may have been retained by the State under his contract.

§ 2. Such sum or sums of money as the canal board may award under this act, shall be paid by the treasurer, on the warrant of the auditor of the canal department out of money appropriated for canal repairs.

§ 3. This act shall take effect immediately.

Chap. 367.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act to provide for the incorporation of villages,' passed December 7, 1847, so far as relates to the village of Niagara Falls," passed March 27, 1855, passed March 26, 1862.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six of chapter fifty-seven, of Session Laws of eighteen hundred and sixty-two, is hereby amended so as to read as follows :

Section fourteen of said chapter is hereby amended so as to read as follows: In addition to those persons described in section one, title five, chapter twenty, of the Revised Statutes. all riotous persons, or persons found fighting or quarreling in any alley, street, or lane, or in any public place, or in view from any public place, street, lane, or alley, in said village; any person who shall make an indecent exposure of his person in public view; all persons who shall make a noise and disturbance of the public peace; all and every person within said village, who shall take, seize, carry away, or attempt to seize, take, or carry away, or control any baggage, box, parcel, package, or any goods or chattels of any kind whatever, without the consent of the owner thereof, or the person having the same in charge, or by due process of law, within said village, or on territory lying between the village of Niagara Falls and the village of Niagara City; all persons who shall follow with intent to solicit, annoy or solicit any person or persons for any carriage, railroad, public house, tavern, places of resort, or any other place or places, or for any purpose whatever, within said village of Niagara Falls, shall be deemed disorderly persons, and may be proceeded against and punished according to the provisions of this act.

§ 2. When any person charged or complained against as a disorderly person, under the provisions of this act, or of the acts hereby amended, shall be arrested and brought before any justice of the peace in said village. The said justice shall proceed in reference to the complaint or charge on which such person is so arrested, and in reference to the disposition of such person, in all respects, as he is authorized and required to proceed by the provisions of the third title, of the second chapter, fourth part of the Revised Statutes, as altered or amended by subsequent laws, in reference to the persons brought before him, charged with the crimes or offenses therein enumerated. And whenever a defendant, tried, either by the court or by a jury, shall be convicted of being a disorderly person under the provisions of this act, or of the acts hereby amended, the court shall render judgment thereupon, and inflict such punishment, by fine or imprisonment, or both, as the nature of the case may require; but such fine shall in no case exceed fifty dollars, nor such

imprisonment six months; and when such offender shall be committed to jail, the court shall briefly set forth, in the commitment, the charge upon which the prisoner was convicted, and the chapter of the law under which such conviction was had, and the officer shall deliver the same to the keeper of the jail of said county, who shall receive the defendant as therein directed; and when a fine is imposed by the court, as aforesaid, and the same is not immediately paid, the court is authorized to commit such offender to said jail, at hard labor or not, until such fine shall be paid, or he be discharged according to law; and when such prisoner shall pay such fine to the sheriff, he shall forthwith discharge him, unless such prisoner shall be sentenced to both fine and imprisonment, in which case he shall be confined as directed in said commitment; all fines collected by the sheriff under this act, shall be paid by him to the treasurer of said county; and all fines imposed or received by any court of special sessions in said village, and all money that comes into the hands of any justice of the peace within said village, acting as a court of special sessions, by fines, after deducting therefrom the costs of prosecution, shall be paid by such justice, within thirty days after the receipt thereof by him, to the treasurer of said village.

§ 3. Section sixteen, of chapter ninety-eight, of Session Laws of eighteen hundred and fifty-five, is hereby repealed.

§ 4. This act is hereby declared to be a public act, and shall take effect immediately.

Chap. 368.

AN ACT to amend an act entitled "An act for the better regulation of firemen in the city of Brooklyn," passed February 17th, 1857, and the act amendatory thereof, passed April 14th, 1862.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six of the act passed April fourteen, eighteen hundred and sixty-two, is hereby amended to read as follows :

"An appeal shall lie to the said board of appeals from any decision of the commissioners of the Brooklyn fire department, and it shall be the duty of the said board of appeals to examine all such appeals taken from the decision of the said fire commissioners. Notice of any such appeal shall be served upon the clerk of the said fire commissioners within thirty days after their decision has been rendered, and within ten days thereafter the said clerk shall certify to the board of appeals a copy of the testimony taken before the said commissioners of the fire department. Upon the hearing of the said appeal, which must be within thirty days after receiving the testimony, as certified by the clerk of the fire commissioners, both the appellant and the complainant shall have a right to be heard, but no new evidence shall be received.

Appeal allowed to the board of appeals, from decision of commissioners.

§ 2. The said board of appeals shall take an oath before the city clerk of Brooklyn, to well and faithfully perform the duties of their office, and they shall also appoint a clerk, who shall be confirmed by the common council of the city of Brooklyn, at a salary not exceeding two hundred and fifty dollars per year, whose salary shall be paid quarterly, by the comptroller of said city, and who shall also take a like oath as the said board of appeals.

Oath of board of appeals.

Clerk to be appointed.

§ 3. The said board of appeals shall, within ten days after the hearing of any case, as provided for in section

Board of appeals to decide cases

in ten days
after hear-
ing.

one, have power to affirm or reverse or modify any decision of the said fire commissioners, or send the same back for a new trial; and should the said board of appeals refuse or neglect to take such action as before provided, and within the time provided, on any decision of the fire commissioners, then the said decision of the said fire commissioners shall be final and conclusive. A majority of the said board of appeals shall be necessary for the modifying or affirming of any decision of the board appealed from, but no judgment or decision appealed from shall be reversed, except by a four-fifths vote of said board of appeals.

Rules.

§ 4. The said board of appeals may make such rules and regulations for their government, as may be necessary to a proper discharge of their duties, not inconsistent with the laws of the city or State or of the United States.

Common
council to
provide
accommoda-
tion for
board of
appeals and
fire com-
missioners.

§ 5. The common council of the city of Brooklyn shall provide the said board of appeals and fire commissioners with proper accommodations for the discharge of their duties, and such stationery and printing as may be required to enable them to properly discharge the duties of their office.

§ 6. This act shall take effect immediately.

Chap. 369.

AN ACT to authorize the canal appraisers to hear and determine the claim of Aaron Ingalls for canal damages.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the claim of Aaron Ingalls, for damages claimed to have been heretofore sustained by him in consequence of a portion of his lands, situate in the town of Cuba, in the county of Allegany, being taken and appropriated by the State for the construction of the Genesee Valley canal, and to hear and determine all the legal and equitable claims of said

Ingalls resulting or arising from such construction. The said appraisers shall make such award thereon as shall be just and reasonable, subject to appeal to the canal board, as in other cases.

§ 2. The said Aaron Ingalls may file his claim for damages with the canal appraisers within one year from the passage of this act.

§ 3. The Treasurer shall pay on the warrant of the auditor of the canal department such sum, if any, as shall be awarded and finally adjudicated as provided for by the first section of this act, out of any moneys in the treasury appropriated or to be appropriated to the payment of canal damages.

§ 4. This act shall take effect immediately.

Chap. 370.

AN ACT to incorporate the Mechanics' and Traders' Exchange of the city of New York.

Passed May 2, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The members of the association known as "The Mechanics' and Traders' Exchange," and all other persons who may hereafter become associated with them, under the provisions of this act, are hereby created a body corporate by the name of "The Mechanics and Traders' Exchange," with perpetual succession and power to use a common seal and alter the same at pleasure, to sue, and be sued, to take and hold by grant, purchase and devise, real and personal property to an amount not exceeding two hundred and fifty thousand dollars, for the purposes and benefit of such exchange, and to sell, convey, lease and mortgage the same or any part thereof.

§ 2. The property, affairs, business and concerns of the corporation hereby created, shall be managed by a president, vice president, treasurer, secretary and seven managers, who shall together constitute a board of managers to be elected annually, at such time and place as may be provided for by the by-laws of this exchange,

and the present officers and managers of this said exchange as now constituted, shall be the officers and managers of said corporation until the present term of office shall expire, and until others under the provisions of this act shall be elected in their place; all vacancies which may occur in said board by death, resignation or otherwise, shall be filled by said board; a majority of the members of such board shall constitute a quorum for the transaction of business.

§ 3. The purposes of the said corporation shall be to provide and regulate suitable room or rooms for the daily meetings of the said exchange in the city of New York, to establish a more general and good understanding, just and equitable principles in all business transactions with each other, to acquire, preserve and disseminate valuable business information, and in all cases of misunderstanding arising between members of the said exchange they shall be adjusted as may be hereafter provided in the by-laws of this corporation. And the said corporation shall have power to make all proper and needful by-laws for the use and government of this exchange, not contrary to this act, the Constitution, Laws of the State of New York or of the United States.

§ 4. The said corporation shall have power to admit new members and expel any member as may be provided for by the by-laws.

Chap. 371.

AN ACT to incorporate the Long Island Oil Company.

Passed May 2, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. James A. Cowing, Lewis B. Joy, William T. Wardwell, George C. Webster and James R. Cowing, and their associates and successors, shall be, and they hereby are constituted a body politic and corporate, with power and for the purpose of manufacturing oil and all other substances which can be produced from petroleum, coal, lard, and other oleaginous matter, and for the

other purposes hereinafter mentioned, both from their own property and from that of others.

§ 2. The said corporation shall be known and designated by the name of the Long Island Oil Company; and its principal office and place for transacting its financial concerns, and its factories, warehouses, tanks and other erections for the purposes of manufacturing and storage, shall be located at Long Island city, in the county of Queens; but said corporation may have an office in the city of New York.

Place of
business.

§ 3. The capital stock of the said corporation shall be one hundred thousand dollars, one-half of which shall be paid in before the first Monday in January, eighteen hundred and sixty-four, and before commencing business under this act; and shall be divided into shares of one hundred dollars each, transferable in such manner as the said corporation shall by its by-laws direct, and shall be deemed personal property.

Capital
stock.

§ 4. The said corporation may, from time to time, and at any time within ten years from the passage of this act, increase its capital stock to not exceeding three hundred thousand dollars by a vote of the stockholders thereof holding or representing two-thirds of the stock; but such vote shall have no validity or effect unless, at the time the same is taken, the whole of such increased amount of stock then proposed to be taken shall have been actually and in good faith subscribed.

Increase
thereof.

§ 5. There shall be five directors of said corporation, who shall be elected by the stockholders on such day as the said corporation shall by its by-laws designate for that purpose. The five persons hereinbefore named shall be the first directors and shall hold their office until the first Monday in January next, and until others shall be chosen; and the directors subsequently elected shall hold their office for the period of one year, or until the first Monday in January next after their election, and until others shall be chosen; every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him at the time of such election and for thirty days previous thereto.

Directors
and their
election.

§ 6. Said corporation shall have power to erect and maintain upon the lands which it may acquire in Long Island city, in the county of Queens, such buildings, iron

Powers of
corporation

tanks, and other erections and machinery as shall be suitable or necessary for receiving, storing, manufacturing and preserving petroleum, oil, and all other substances which may be produced or manufactured from petroleum, from coal, from lard, or from other oleaginous matter, and to manufacture or to purchase and sell all or any of such articles on its own account or for others; and shall have the right to receive and store, and to make advances upon, in money or otherwise, the articles above mentioned or referred to for other parties, and to demand and receive compensation therefor, and shall have a lien upon the articles so received for such compensation.

Revised
Statutes
applied.

§ 7. The said corporation shall possess the general powers, and be subject to the general liabilities and restrictions prescribed by such parts of titles three and four and twelve of the eighteenth chapter of the first part of the Revised Statutes as are not repealed; and shall also be subject to the provisions, liabilities and restrictions prescribed by title four of chapter sixteen of the first part of the Revised Statutes.

Directors
to report.

§ 8. The directors of said corporation shall make an annual report, verified by the affidavit of at least two of them, which report shall state the amount of their capital stock, and the proportion thereof actually paid in, the value of their real estate and personal property separately, and the amount of the debts and liabilities of said corporation; which report shall be filed in the office of the clerk of the county of Queens in the month of January in each year.

Chap. 372.

AN ACT to amend an act entitled "An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations," passed April fifth, eighteen hundred and forty-nine.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In case any stockholder of any corporation or association mentioned in the act entitled "An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations," passed April fifth, eighteen hundred and forty-nine, against whom judgment has been or shall be recovered pursuant to the provisions of the said act, shall not be a resident of this State at the time of the confirmation of the referee's report and apportionment provided by said act, an action may be commenced in the name of the receiver of such corporation or association or of the assignee of such judgment, for the recovery of the amount thereof, with interest, and in such action the order of confirmation of such report and apportionment shall be presumptive evidence of the liability of such stockholder for the amount in and by such report and apportionment found chargeable against him, with the interest thereon.

Proceed-
ings against
non-resi-
dents.

§ 2. Such receiver shall have power under the order of the supreme court of the district in which he shall reside, to compromise and settle with any stockholder of such corporation or association, the amount of any judgment which has been or shall be recovered against him as such stockholder under the provisions of the act hereby amended, upon such terms and conditions as shall be prescribed by such order, and thereupon to discharge such judgment. No such order shall be granted except

Power of
receiver to
comprom-
ise with
stockhold-
er, under
order of
court.

upon ten days' notice of the application therefor to be given to the stockholders and creditors who shall have appeared in the proceeding in which such judgment was recovered, or their attorneys.

Stockholder and creditors may oppose order.

§ 3. Such stockholders and creditors, or any of them, may appear before the court on the making of said motion, and oppose the same. Nor shall such order be granted unless it shall appear that an execution has been issued against the property of said judgment debtor to the sheriff of the county where said judgment debtor resides, or has a place of business, or if said judgment debtor do not reside in the State, or is a foreign corporation, to the sheriff of the county where the said order for the confirmation of the report of said referee has been filed, and that said execution has been returned unsatisfied in whole or in part.

When order to be denied.

Code applied.

§ 4. The provisions of chapter two of title nine of part two of the Code of Procedure shall be applicable to judgments against stockholders of such corporations and associations, and which have been or shall be recovered under the provisions of the act hereby amended, and the executions issued thereon, and all the provisions of law for the enforcement and collection of judgments in civil actions, are hereby made applicable to such judgments and executions.

Judgment may be sold.

§ 5. Such receiver shall have power and authority under an order of a justice of the supreme court, to sell at public auction any judgment which has been or shall be recovered against such stockholder, after such notice, and upon such terms and conditions as shall be prescribed by such justice.

Docketing of judgment and lien thereon.

§ 6. The judgments recovered pursuant to the provisions of the act hereby amended, may be docketed in any county of this State, upon filing a transcript thereof, and shall thereupon be a lien upon the real estate and chattels real of the persons against whom the same shall have been recovered, situate in any county in which the same shall have been docketed, in the same manner as a judgment recovered in a civil action upon personal service of process, and may be enforced by execution against real and personal property, in the same manner as such judgment.

Action on judgment.

§ 7. Such receiver, upon obtaining leave by an order

of a justice of the supreme court, after the return of execution unsatisfied upon any judgment recovered pursuant to the provisions of the act hereby amended, against a stockholder being a non-resident of this State, may bring an action in any court having jurisdiction of the person of such non-resident stockholder to enforce his liability as such stockholder, and in case any such non-resident stockholder shall have deceased, such action may be brought against his personal representatives.

§ 8. This act shall take effect immediately.

Chap. 373.

AN ACT authorizing the Canal Commissioners to construct a drain in the village of Canajoharie.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Canal Commissioners are hereby authorized and directed to construct and maintain a covered drain in the village of Canajoharie, from a point in the south bank of the Erie canal, at or near the westerly bounds of said village, and running easterly on the most feasible and convenient route to the Canajoharie creek, of sufficient capacity to drain off the leakage from the new, and the surface and stagnant waters from the bed of the old canal; the expense whereof shall be paid from moneys appropriated for the ordinary repairs of the canals.

§ 2. This act shall take effect immediately.

Chap. 374.

AN ACT to incorporate the Homowack and Fallsburgh Plank Road Company, and to authorize the issuing and holding of certificates of stock therein..

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Edward Palen, Stephen Smith, Ezekiel Cadney, Philip A. Castle, and their associates, who are entitled to a deed of conveyance of the plank road company, are hereby declared a body corporate, by the name of "The Homowack and Fallsburgh Plank Road Company," possessing all the rights, powers and privileges conferred on, and subject to all the liabilities imposed on plank road companies by the laws providing for the incorporation of companies to construct plank roads. and of companies to construct turnpike roads, passed May seventh, eighteen hundred and forty-seven, and the several acts amendatory thereto.

§ 2. The capital stock of said company shall be a sum not exceeding eight thousand dollars, and the shares of said stock shall be twenty-five dollars each; and the officers of said company are authorized to issue certificates of said capital stock to the several persons who have contributed for the purchase of said plank road, in proportion to the amounts respectively contributed by them.

§ 3. The company hereby intended to be created shall file, with the secretary of state, articles of association of said company, within three months after the passage of this act, stating the amount of its capital, the number of years it shall continue, the number of shares of which the stock shall consist, and the places to and from which said road leads. Each shareholder shall subscribe such articles with his name, residence, and number of shares of stock held by him therein.

§ 4. Edward Palen, Stephen Smith, Ezekiel Cadney, Philip A. Castle, George H. Smith, Elias Newkirk and Gilbert W. Palen, shall be the first board of directors of

said company, who shall hold their offices for one year, and until others shall be chosen.

§ 5. The company hereby incorporated may demand and receive tolls upon said road, at the rate fixed by law for plank roads in the county of Sullivan.

§ 6. This act shall take effect immediately.

Chap. 375.

AN ACT to authorize the Superintendent of the Onondaga Salt Springs to exchange certain lands in Syracuse.

Passed May 2, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of the Onondaga salt springs is hereby authorized, if the commissioners of the land office shall consent thereto, to exchange a small strip of land lying south and westerly of the salt office, in block J, in the city of Syracuse for a piece of land owned by John W. Barker and Allen Munroe, lying contiguous thereto, in said block.

§ 2. Whenever the exchange shall be made, according to the first section of this act, and a sufficient deed made to the State for said strip of land, the commissioners of the land office shall issue a patent to said John W. Barker and Allen Munroe for said land given in exchange.

§ 3. This act take effect immediately.

Chap. 376.

AN ACT to incorporate the Woodbourne and Liberty Turnpike Road Company, and to authorize the issuing and holding of certificates of stock therein.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Medad T. Morss, Oscar B. Grant, Thomas Van Gaasbeck, Elias Champlin, Edwin Fobes, Abraham

J. Wood, and their associates, who are entitled to a deed of conveyance of the turnpike of the Fallsburgh and Liberty turnpike road company. are hereby declared a body corporate by the name of "The Woodbourne and Liberty Turnpike Road Company," possessing all the rights, powers and privileges conferred on, and subject to all the liabilities imposed on turnpike road companies by the laws providing for the incorporation of companies to construct plank roads and of companies to construct turnpike roads, passed May seventh, one thousand eight hundred and forty-seven, and the several acts amendatory thereto.

§ 2. The capital stock of said company shall be a sum not exceeding six thousand dollars, and the shares of said stock shall be fifty dollars each, and the officers of said company are authorized to issue certificates of said capital stock to the several persons who have contributed for the purchase of said turnpike road, in proportion to the amounts respectively contributed by them.

§ 3. The company hereby intended to be created shall file with the Secretary of State articles of association of said company within three months after the passage of this act, stating the amount of its capital, the number of years it shall continue, the number of shares of which the stock shall consist, and the places to and from which said road leads. Each shareholder shall subscribe such articles with his name, residence and number of shares of stock held by him therein.

§ 4. Oscar B. Grant, Elias Champlin, Edwin Fobes, Thomas Van Gaasbeck, Medad T. Morss and Abraham J. Wood shall be the first board of directors of said company, who shall hold their offices for one year and until others shall be chosen.

§ 5. The company hereby incorporated may demand and receive tolls upon said road, at the rate fixed by law for turnpike road companies in the county of Sullivan.

§ 6. This act shall take effect immediately.

Chap. 377.

AN ACT in addition to and in amendment of an act in relation to common schools in the village of Lockport, passed March thirty-first, eighteen hundred and forty-seven.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education for the village of Lockport, is hereby authorized and empowered to purchase and hold, for the uses and purposes of its organization, the following described tracts or lots of land, to wit: One lot now owned by G. A. Fisher, bounded south and west by the lot on which the union school house is situated; east by Washburn street, and north by a lot owned by Samuel Works; and the lot now owned by Samuel Works, bounded south by the aforesaid lot, now owned by said G. A. Fisher, west by the lot on which the union school house is situated, north by Union street and east by Washburn street; provided said board of education can purchase said two lots for a sum not exceeding two thousand five hundred dollars; and when so purchased, said lots shall become and forever remain a part of said union school lot, and may be fenced and improved as such by said board.

§ 2. For the purpose of paying for said two lots, said board of education is hereby authorized to levy and assess a tax or taxes upon all the taxable property in said union school district, to the full amount of two thousand five hundred dollars, and issue their warrant for the collection thereof, in the same manner that other taxes are authorized by law to be collected, and when collected the money so raised shall be applied in payment for said lots. Said board may, in its discretion, levy and assess said tax in so many installments as they shall deem advisable, and cause the same to be collected with the annual taxes now authorized to be assessed and collected by said board.

Chap. 378.

AN ACT to amend the statutes in relation to public instruction.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Return of
balance of
school
moneys by
supervisors.

SECTION 1. On the first Tuesday of March in each year, the supervisors shall make a return, in writing, to the county treasurer, for the use of the school commissioners, showing the amount of school moneys in their hands not paid out on the orders of trustees for teachers' wages, nor drawn by them for library purposes, and the districts to which the same stand accredited; and thereafter no more of said moneys shall be paid out by the supervisors, until they shall have received the next certificate of apportionment of school moneys from the school commissioners, who shall re-apportion such moneys, as hereafter directed.

Forfeiture
for neglect.

§ 2. Any supervisor who shall neglect to make the return required in the foregoing section shall, for each offense, forfeit the sum of twenty-five dollars, to be sued for by his successor in office, and the same shall be added by the commissioners to the next annual apportionment of school moneys.

Apportion-
ment of
school
moneys by
commis-
sioners.

§ 3. The school commissioners shall meet at the county seat, not earlier than the second Tuesday in March, for the purpose of apportioning the school moneys as required by section thirty-one, chapter one hundred and seventy-nine of the Laws of eighteen hundred and fifty-six, and before proceeding to make such apportionment they shall procure from the county treasurer a transcript of the returns of the supervisors, and the gross sum thus found to be in the supervisors' hands shall be added to the moneys next thereafter to be apportioned by the school commissioners, and the several sums shall be charged to the towns in whose supervisors' hands the same shall remain as a partial payment, to which such towns shall be entitled to the new apportionment.

Substitu-
tion of
sections.

§ 4. The foregoing sections of this act are substituted in place of section seventeen, chapter four hundred and

eighty of the Laws of eighteen hundred and forty-seven, which section is hereby repealed.

§ 5. Section one, chapter one hundred and seventy-two of the Laws of eighteen hundred and forty-seven, as amended by chapter three hundred and eighty-eight of the Laws of eighteen hundred and forty-nine, is hereby amended so as to read as follows:

Whenever, after the final determination of any suit commenced by or against any trustee or trustees or other officer or officers of a school district, such officer or officers shall present to any regular meeting of the inhabitants of the district an account in writing of all costs, charges and expenses paid by him or them, with the items thereof, and verified by his or their oath or affirmation, and a majority of the voters at such meeting shall so direct, it shall be the duty of the trustees to cause the same to be assessed upon and collected of the taxable property of said district, in the same manner as other taxes are by law assessed and collected, and when so collected by an order upon the collector, the same shall be paid over to the officer entitled to receive the same; but this provision shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the superintendent of public instruction.

Costs,
charges and
expenses of
suits, when
paid by
district.

Prohibition

§ 6. Section second, chapter one hundred and seventy-two, Laws of eighteen hundred and forty-seven, is hereby amended so as to read as follows:

Whenever any person or persons mentioned in the first section of this act, shall have complied with the provisions of said section, and the inhabitants shall have refused to direct the trustees to levy a tax for the payment of the costs, charges and expenses therein mentioned, it shall be lawful for him or them then and there to give notice orally and publicly, that he will appeal to the board of supervisors of the county in which the school house of said district is located, from the refusal of said meeting to vote a tax for the payment of said claim, and the inhabitants may then and there, or at any subsequent regular district meeting, appoint one or more inhabitants of the district to attend upon the meeting of the board of supervisors to protect the rights and interests of the district upon said appeal. And the person or persons before mentioned shall, thereupon, within ten days, serve upon

Appeal to
supervisors,
and the
proceed-
ings there-
on.

the clerk of said district (or if there be no clerk, upon the town clerk of the town) a copy of the aforesaid account so sworn to, together with a notice in writing, that on a certain day therein specified, he intends to present such account to the board of supervisors for settlement, pursuant to the public notice already given by him. And the clerk shall record such notice, together with the copy of the account, and the same shall be subject to the inspection of the inhabitants of the district. And it shall be the duty of the person or persons appointed by any district meeting for that purpose, to attend at the meeting of the board of supervisors on the day mentioned in the notice aforesaid, and to protect the rights of the district upon such settlement, and the expenses incurred by them in the performance of this duty shall be a charge upon said district, and the trustees, upon presentation of the account of such expenses with the proper vouchers therefor, may levy a tax therefor or add the same to any other tax to be levied by them, and their refusal to levy such tax for the payment of such expenses shall be subject to an appeal to the superintendent of public instruction.

§ 7. Section two of chapter three hundred and eighty-four of Laws of eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Duty and
authority of
superin-
tendent of
public in-
struction,
relating to
teachers'
institutes.

It shall be the duty of the superintendent of public instruction to advise and co-operate with the school commissioners in regard to the time and place of holding teachers' institutes, and he shall have power to employ suitable persons to conduct and teach the same, and to pay them in the same manner as provided in the first section of said act for the payment of expenses incurred by the school commissioners, and he shall visit or cause to be visited, by any person or persons employed in the department of public instruction, such and so many institutes as he may find it practicable to reach, for the purpose of examining into the course and method of instruction pursued, and of rendering such assistance as he may find expedient; and he shall establish the basis upon which the yearly appropriation for the support of teachers' institutes shall be distributed to the several institutes, and the term or terms during which the same may be held, having reference, in the establishment of such regulations, to the number of teachers in the county

and in attendance at the institute, to the length of time during which they shall be held, to the facilities for securing attendance upon them, and to local disadvantages requiring especial consideration.

§ 8. Section nine, chapter four hundred and thirty-three, Laws of eighteen hundred and fifty-three, is hereby amended so as to read as follows:

A majority of the taxable inhabitants of any district, as aforesaid, other than those whose limits correspond with those of any city or incorporated village, at any annual or special meeting, held as by provisions of existing law, may authorize such acts and raise such sums of money as they shall deem expedient, for the purpose of making additions, alterations or improvements, with reference to site or structures, in the academy or union free school buildings, or of buying apparatus or fixtures, or paying the wages of teachers, and the necessary expenses of the school or schools; or for such other purpose pertaining to the support of such schools as the inhabitants may, by a two-third vote, approve, and they may direct the trustees to cause the sums voted to be levied and raised by installments, or directly by a tax; and such trustees shall make out a tax list, in the manner by law provided in cases of school district taxes, and direct such taxes or such installments to be collected at the times they shall become due. And the inhabitants of such districts shall have no power to rescind the vote to raise such money, or to reduce the amount at any subsequent meeting, unless the same be done within ten days after the same shall have been first voted.

Authority of certain districts, relating to improvements in site, structures, &c.

§ 9. The superintendent of public instruction shall, under his direction, cause the general laws pertaining to the common schools to be revised and amended, and arranged under appropriate titles and subjects, and he shall report them, as thus revised, amended and arranged, to the next legislature during the first week of its session, so that the whole may be included in one act. They shall, as far as practicable, be so arranged that the prescribed duties of the respective officers shall be included under separate heads.

Compilation of school laws.

§ 10. This act shall take effect immediately.

Chap. 379.

AN ACT to widen South Seventh street and a part of South Sixth street, in the city of Brooklyn, and to regulate, grade and pave the same.

Passed May 2, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Dimension
of streets.

SECTION 1. South Seventh street, from First street to its intersection with South Sixth street, in the city of Brooklyn, and South Sixth street from its intersection with Broadway to the easterly side of Fourth street, in said city, are hereby widened, as described in the act passed April twenty-sixth, eighteen hundred and sixty-one, entitled " An act to amend an act entitled ' An act to widen and improve Bushwick avenue and other streets in the city of Brooklyn.' " passed April fourteenth, eighteen hundred and sixty, and as laid down and designated on the maps filed in the office of the street commissioner of the city of Brooklyn by the commissioners appointed by said act.

Appoint-
ment of
commis-
sioners to
ascertain
expense.

§ 2. Upon the petition of any owner of property on the line of South Seventh or South Sixth streets, it shall be the duty of the common council of said city to cause application to be made to the supreme court of the second judicial district, at a general term thereof, for the appointment of three commissioners to ascertain the expense of widening South Seventh and South Sixth streets, as aforesaid, including the making of said maps, and one-half the expenses heretofore incurred under said act, and the amount of damages sustained by and compensation to be paid to all persons whose property shall be taken or affected by said widening. Should the common council fail or neglect to make said application within thirty days after such petition shall be presented to them, any owner of property on the line of said streets shall have power to make such application. Such applications shall be made upon such notice and in such manner as is now required by law for the appointment of commissioners in opening of streets in said city ; and from and after the appointment of such commission-

ers, the laws now in force in relation to the opening of streets of the city of Brooklyn shall apply to the proceedings of the said commissioners respectively, and to the widening of South Seventh and South Sixth streets, as aforesaid, to the regulating, grading and paving thereof, and to all powers, duties, rights and remedies touching the same on the part of the said commissioners, and of the officers of said city, or other public officers, or of any other parties or persons, in the same manner and to the same extent as if the said streets were widened and opened in pursuance of such laws, excepting, nevertheless, so far as the said laws are inconsistent with the subsequent provisions of this act.

Proceedings thereon.

§ 3. The amount of such expenses and damages shall, upon the confirmation of the report of the said commissioners, be a charge upon the lands lying within the several districts hereinafter mentioned. The board of assessors shall, upon the said confirmations, fix the district of the said city in their judgment benefited by the said widening and give public notice thereof in the corporation newspapers of said city, and of the time not less than thirty days after the first publication of such notice, when they will hear parties interested in relation thereto and determine the said district. At the time so designated or as soon thereafter as practicable and before proceeding further with the duties of their appointment, the said assessors shall reconsider the question as to the limits of the said district and may confirm or change the same as they shall deem just and proper, and the decision then made shall be final and conclusive so that no assessment for benefit for the said widening shall be made beyond the district so determined upon such reconsideration.

Expense and damage charge on lands in district.
Duty of assessors.

§ 4. The board of assessors of said city shall apportion and assess the amount of such expense and damages of the widening aforesaid upon the several lots, pieces or parcels of land in said district, according to the benefit derived by each of said lots, pieces or parcels of land from said improvement, and shall make a report in writing of the assessments so made, in such form as assessments for opening streets are usually made in said city, so far as the same is not inconsistent with this act; and before proceeding to sign the same, shall give ten days'

Apportionment of expense and damage.

notice in the corporation newspapers of the time and place when and where the parties interested can be heard; and after hearing such parties as may appear before them, the board of assessors shall proceed and complete their report, making such corrections therein as they may deem just and equitable, and sign the same; and thereupon the said report shall be final and conclusive upon all persons interested in or affected by the said assessment. The board of assessors shall cause the said report to be filed in the office of the street commissioner of the said city, and thereupon the said assessments shall be chargeable upon the lands assessed, and shall, with the interest thereon, at the rate of six per cent per annum, be included in the annual taxes, and be levied on said lands respectively, and shall form a part of such annual taxes thereon, but shall be levied and collected in such manner as that five per cent of the principal of said assessment and interest for one year, at the rate of six per cent per annum upon so much of the principal as shall remain unpaid, shall be levied and collected annually, until the whole principal and interest shall be paid. The common council of said city shall regulate and pave with Belgian pavement said South Sixth and South Seventh streets, as widened as aforesaid.

Half of
expense of
improving
said streets
a charge
upon cer-
tain lands.

§ 5. One-half the expense of regulating, re-grading and paving said South Seventh and South Sixth streets, shall be chargeable upon the lands fronting upon the same, and extending one hundred feet back therefrom as widened, on each side of the said streets respectively, and shall be levied upon the same and collected in installments in the same manner as provided in the preceding section.

Bonds of
city may be
issued to
pay cost of
improve-
ment.

§ 6. For the purpose of paying the cost of the said widening and opening South Seventh and South Sixth streets, as aforesaid, and regulating, grading and paving the same, as aforesaid, in the first instance, the mayor, comptroller and clerk of the said city shall, from time to time, as may be necessary, issue the bonds of said city to the amount necessary to pay such cost, in like manner as other bonds of said city are issued, bearing interest at the rate of six per cent per annum, and the said bonds shall be called South Seventh street bonds.

§ 7. The proceeds of the sale of said bonds shall be paid into the city treasury, and shall be disbursed from time to time, as may be necessary for the objects herein set forth, and for none others. The said bonds shall be made payable in such manner as that five per cent of the whole cost of the improvement contemplated by this act shall become due in each and every year, after the year eighteen hundred and seventy. The board of supervisors shall annually make provision by tax as hereinbefore mentioned, for the payment of the annual interest on said bonds, and for the payment of the annual installment of the principal, as the same shall become due, and levy the same by tax upon the lands hereinbefore mentioned for the respective improvements aforesaid, in the same manner as now provided by law for the general expenses of the said city, but in a separate column in the tax lists, and the amounts so levied shall for all purposes be a part of the tax on said lands for the general expenses of the said city.

Application
of proceeds
of bonds.

Tax to be
levied to
pay bonds.

§ 8. So much of the act entitled "An act to amend an act to widen and improve Bushwick avenue, and other streets, in the city of Brooklyn," passed April fourteenth, eighteen hundred and sixty, and of the act amendatory thereof, passed April twenty-sixth, eighteen hundred and sixty-one, as is inconsistent with this act, is hereby repealed.

Repeal.

§ 9. This act shall take effect immediately.

Chap. 380.

AN ACT to provide for the completing of a road and draining the town of Hartland, county of Niagara.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby enacted that Oscar T. Bachelder, highway commissioner for the town of Hartland, be, and the same is hereby appointed commissioner to construct, if in his judgment he deems it proper, a good and

Powers and
duties of
commissioner of
highways.

permanent highway on the line of road leading from Nichols' tavern (so called), in the town of Hartland, north to the town of Somerset; said work to commence at the southeast corner of lot four, section seven, town fifteen, range six, of the Holland land company's lands (so called), running north on the east line of said lot and section, to a point twenty rods north of the northeast corner of said lot four, section seven; also to construct a ditch, if deemed necessary, of sufficient capacity to drain the water from said line of road; said ditch to commence at the northeast corner of said lot and section, running west on the north line of said lot four, or as near as said commissioner may judge best and proper, to a point west, of sufficient distance on said lot to drain the water from said line of road. It shall be the duty of said commissioner to cause a survey and estimate to be made of said work, on or before the first day of June next, and file a copy of the same in the office of the town clerk in said town of Hartland; said estimate shall include all expense of surveying, estimating and constructing said work.

Oath of
office.

§ 2. Said commissioner shall be designated and known as the commissioner for completing a road and draining the same, in the town of Hartland, county of Niagara. Before entering on the discharge of his duty, he shall take an oath or affirmation, in writing, faithfully to discharge the duties of said appointment, and file the same in the office of the town clerk in the town of Hartland, and shall also execute to the people of the State of New York, a bond, with sureties, in the penal sum of two thousand dollars, conditioned for the faithful performance of his several duties as such commissioner, and for the paying over and accounting for all such sum or sums of money as shall come into his hands as such commissioner, according to the provisions of this act, which bond shall be approved as to its form and manner of execution and the sufficiency of the sureties, by the supervisor of the said town of Hartland, and when so approved shall be filed in the office of the town clerk of said town.

Construc-
tion of
road.

§ 3. It shall be the duty of said commissioner to cause to be constructed said road and ditch, in a good and permanent manner, on or before the first day of April, eighteen hundred and sixty-four.

§ 4. The said commissioner shall have power to enter upon the north line of said lot four, section seven, or as near said line as the said commissioner shall judge best and proper, with necessary assistants to make survey and do all necessary acts and things for the construction of said ditch.

Powers of
commissioner.

§ 5. Said commissioner shall submit to the board of supervisors of the county of Niagara, on or before the first day of October, eighteen hundred and sixty-three, an estimate of the cost of the construction of said road and ditch separately, which shall be ascertained and determined by said commissioner and two of the assessors of the town of Hartland, who shall constitute a board of assessors for that purpose, provided that neither of said assessors are interested directly or indirectly in the drainage of any land, that is supposed to be benefited by said ditch. In case no two disinterested assessors can be secured in said town, then one or two, as may be required, disinterested persons, may be appointed to act with the said commissioner by the supervisor and any two justices of the peace of the said town, who shall estimate and determine the separate amounts chargeable to the construction of the road, and to the ditch, respectively, and the amounts thus determined upon for the construction of the road, shall be a charge upon the taxable property of the town of Hartland, and the amount determined upon for the construction of the ditch shall be a charge upon the tract of land or upon the several separate tracts or parcels of land drained, in proportion to the benefits derived from said ditch to each of them; and the board of assessors shall name in their estimates, the owner or owners, or occupants, of the lands thus to be assessed, and the amount assessed to each, to the board of supervisors, whose duty it shall be to assess upon the town of Hartland the amount named in said estimate for the construction of the road, and to the owners or occupants of the land for the construction of the ditch, at the same time and in the same manner as other town and county taxes are by law levied and collected and paid over for the year eighteen hundred and sixty-three, and cause the same to be paid to the said county treasurer in like manner.

Estimate of
cost.

Duty of
county
treasurer.

§ 6. Said commissioner may draw his order on said treasurer, whose duty it shall be to pay said orders when the money for that purpose shall have been collected and paid in to said treasurer on demand.

Money may
be bor-
rowed.

§ 7. The said commissioner is hereby authorized and empowered to borrow, on his official orders on the said treasurer, by virtue of this act, the money necessary to complete said work, in such sum or sums, not exceeding in the aggregate two thousand dollars, and from time to time, as the same shall be needed by them for the prosecution of said work.

Pay of com-
missioner.

§ 8. The said commissioner is authorized to charge and receive pay for his services under this act, not exceeding the sum of two dollars for each and every day he shall be necessarily engaged in the discharge of his duties under the provisions of this act.

Vacancy in
office.

§ 9. If from any cause the office of said commissioner shall become vacant, the supervisor of the said town of Hartland, with two justices of the peace of the said town, or a majority of them may fill the vacancy, and every person so appointed to fill such vacancy shall be entitled to enter upon the discharge of the duties of such office as soon as he shall have filed his oath of office and the bond required by this act, in the form and manner above required.

Duty of
highway
commis-
sioners.

§ 10. The said ditch, when completed, shall be under the care and direction of the commissioners of highways of the town of Hartland, who are hereby directed to keep said ditch in good order, and shall have power to direct in regard to the time and manner of clearing out and repairing said ditch for the benefit of said highway, from time to time, as the same shall require.

§ 11. This act shall take effect immediately.

Chap. 381.

AN ACT for the relief of Catharine P. Snyder.

Passed May 2, 1863; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required to examine the claim of Catharine P. Snyder, of Fort Plain, New York, for damages alleged to have been sustained by her in the late Erie canal enlargement, by raising the water in said canal and thereby flooding the premises and dwelling house of said Catharine. in the place aforesaid, and award to her such sum. if any, as the State shall be legally and equitably liable for, on account of the same. Such award shall be subject to appeal to the canal board.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, the sum awarded under the first section of this act, out of any money or moneys appropriated or to be appropriated for canal damages.

§ 3. This act shall take effect immediately.

Chap. 382.

AN ACT to authorize the payment of interest on certain canal drafts, protested for non-payment, to John Napier and others.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The treasurer shall pay, on the warrant of the auditor, the sum of four hundred and seventy-eight dollars and thirty-one cents to William Ridsdale, John Napier and William Napier, composing the company of Ridsdale, Napier and Company, for the payment of interest accruing at the rate of six per cent, interest on certain canal drafts issued by the canal commissioners, in the years eighteen hundred and fifty-two and eighteen hundred and fifty-three, to said firm, on contract to con-

struct locks numbers eighty-four, eighty-five, eighty-six, eighty-seven and eighty-nine, and section work between numbers eighty-seven and eighty-nine, Genesee Valley canal, payment to be made out of any money in the treasury appropriated to the payment of canal awards; provided, however, that said Ridsdale, Napier and Company, show, to the satisfaction of the auditor, that they are entitled to such interest as owners of said drafts.

§ 2. This act shall take effect immediately.

Chap. 383.

AN ACT to authorize the appraisal and payment of canal damages to Daniel A. Shaw.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to examine and determine upon evidence taken in such manner as said board shall direct, and as they shall deem sufficient, the damages, if any, for which the State is liable, sustained by Daniel A. Shaw, of Oriskany, Oneida county, by reason of the flooding of his flouring mill in said village of Oriskany, and the destruction and injury of his wheat, shorts, feed, screenings and grain in said mill, and also the injury to the floors, timbers and fixtures of said mill, and also for the stoppage of said mill on the occasions of said flooding; such flooding, as is alleged, having occurred, and such damage, as is alleged, having been done in the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, eighteen hundred and fifty-nine and eighteen hundred and sixty, and which it is alleged, was caused by the obstruction of the aqueduct over the Oriskany creek by ice and drift-wood. And if, upon examination, it shall appear that damages have been sustained, for which, in the opinion of said board, the State is legally liable, said board shall make such award in the premises, as in their opinion shall be just and equitable.

§ 2. The treasurer shall pay, on the warrant of the auditor, such sum as may be awarded under the pro-

visions of this act, out of any moneys in the treasury appropriated, or which may be appropriated to the payment of canal awards.

§ 3. This act shall take effect immediately.

Chap. 384.

AN ACT for the relief of Henry C. Swift as assignee in trust of Isaac N. Hart.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board is hereby authorized and required to examine the final account of the work done or paid for and materials furnished by Isaac N. Hart, as the assignee of canal contract on section two hundred and fifty-three of the Erie canal enlargement, and to ascertain if there was omitted from the same any item or amount for embankment, or for shrinkage of muck and soft material in the base of the ox-bow bank, so called, or for lining, or for loose stone, brush or gravel, or other material used in rear of the tow path to prevent a break in the spring of eighteen hundred and fifty-seven, or for work done or performed or paid for by said Hart, to prevent a break in the canal at said ox-bow bank; and if the said board shall ascertain that anything, justly due to said Hart, in the premises, was omitted from said final account, the said board shall make its award for the amount thereof, to Henry C. Swift, as the assignee in trust for the benefit of the creditors of the said Isaac N. Hart.

§ 2. The treasurer shall pay, on the warrant of the auditor, such sum, if any, as shall be awarded under the provisions of this act to the said Henry C. Swift, as such assignee, out of any moneys appropriated or to be appropriated for the improvement or extraordinary repairs of the western division of the canals.

§ 3. The said canal board, in making the said examination, may call before them such persons and papers as they may deem necessary to that end.

§ 4. This act shall take effect immediately.

Chap. 385.

AN ACT authorizing the appraisal of lands of Morgan L. Brainard, taken and occupied by the State for the enlargement of the Erie canal.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to ascertain and appraise, upon evidence taken in such manner as said canal board shall direct and as they shall deem sufficient, the damages (if any) for which the State is liable, sustained by Morgan L. Brainard, of the town of Rome, Oneida county, for lands permanently taken for the enlargement of the Erie canal, and also the damages to his lands, occasioned by digging back drains, the removal of soil for embankment, covering his lands with refuse material, and if upon examination it shall be ascertained that any damages have been sustained by him, for which the State is legally or justly liable, said canal board shall make an award for the same.

§ 2. The Treasurer shall pay, on the warrant of the auditor, such sum (if any) as shall be awarded under the provisions of this act, out of any moneys appropriated or to be appropriated for canal awards, and the said auditor is authorized and directed to draw such order upon such appraisal being made.

§ 3. This act shall take effect immediately.

Chap. 386.

AN ACT to authorize the appraisal and payment of canal damages to Flora S. Fisher, legal representative of Wm. Fisher.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required to ascertain and appraise, upon evidence

taken in such manner as said appraisers shall direct and as they shall deem sufficient, the damages (if any) for which the State is justly liable, sustained by Flora S. Fisher, widow and legal representative of Wm. Fisher, deceased, late of the village of Albion, Orleans county, in the construction of the Erie canal enlargement by raising water in said canal, by which damage was done to lots lying adjacent to the canal, and especially to a tannery owned by said Fisher, and also damage caused by the construction of wide and lengthy earth approaches to a bridge which was erected by the State between said lots; also for damage (if any) caused by digging a sewer through said lots near to and parallel to the south bank of said canal, and award to her such sum as shall be just and equitable therefor.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, the sum which may be awarded under the provisions of this act, out of any moneys in the treasury appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 387.

AN ACT to defray the expenses of the delegate of the Cayuga Indians, for the years eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of one hundred and fifty dollars is hereby appropriated to defray the expenses of the delegate of the Cayuga Indians, in attending to the business of said Indians, in the years eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three.

§ 2. The treasurer shall pay, on the warrant of the comptroller, the said sum of one hundred and fifty dollars, to Peter Wilson, the delegate of said Indians, and the same shall be deducted from that portion of the annui-

ties of said Indians, residing in the State of New York, which will become payable in the present year.

§ 3. This act shall take effect immediately.

Chap. 388.

AN ACT to provide for the payment of interest on certain canal drafts protested for non-payment.

Passed May 2, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The treasurer shall pay on the warrant of the auditor, the sum of three hundred and seventy-one dollars and forty-five cents, to Cyrus Rose for the payment of interest accruing at the rate of six per cent per annum, on certain canal drafts protested for non-payment, issued in the years eighteen hundred and fifty-two and eighteen hundred and fifty-three to William N. Marsh, on contract for work done and material found on sections seventy-nine, eighty and eighty-one, Genesee Valley canal; which said contract was duly assigned to said Cyrus Rose; payment to be made out of any money in the treasury not otherwise appropriated, provided the auditor of the canal department is satisfied that said Cyrus Rose is the owner of the draft so as to entitle him to the said interest.

§ 2. This act shall take effect immediately.

Chap. 389.

AN ACT to appoint overseers of highways in the town of White Plains, in the county of Westchester.

Passed May 2, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the commissioners of highways of the town of White Plains, in the county of Westchester, to appoint the overereers of highways in

and for the road districts therein, and for such road districts as may hereafter be established therein.

§ 2. The said commissioners of highways shall have the power and authority to appoint and remove, at their pleasure, the overseers of highways in and for said town. Such appointments and removals shall be in writing, and signed by said commissioners, and filed in the office of the town clerk of said town, within five days after the same may be made.

§ 3. The annual town meeting in the town of White Plains shall not hereafter have the power or authority to appoint or elect overseers of highways for the road districts in and for said town.

§ 4. The overseers of highways, which may be so appointed, shall be subject to the same duties and liabilities, and shall possess and exercise the same powers and authority as now provided by law, in respect to overseers of highways.

§ 5. This act shall take effect immediately.

Chap. 390.

AN ACT for the relief of John R. Owens for damages done by the breaking of a bridge on the Erie canal.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to ascertain and appraise, upon evidence taken in such manner as said appraisers shall direct and as they shall deem sufficient, the damages, if any, for which the State is liable, sustained by John R. Owens, of Rome, Oneida county, caused by the breaking down of a bridge on the Erie canal, in the town of Rome, and for the injury done to his horses, and being deprived of the use of the bridge, and if upon examination it shall be ascertained that any damages have been sustained by him, for which the State is legally liable, said appraisers shall make an award; and if the said appraisers shall find that the State is liable in any sum as

is herein provided, then the amount so awarded shall be charged by the canal board to the contractor for repairs upon the section of the canal on which said bridge was located.

§ 2. The treasurer shall pay, on the warrant of the auditor, such sums (if any) as shall be awarded under the provisions of this act, out of any moneys appropriated or to be appropriated for canal awards; and the said auditor is authorized and directed to draw such order upon such appraisal being made.

§ 3. This act shall take effect immediately.

Chap. 391.

AN ACT for the preservation of the woodland in Suffolk county from destruction by fire.

Passed May 2, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person in the county of Suffolk setting fire to or kindling a fire on his own wood, brush, fallow, or other land, who shall suffer such fire to extend beyond his own land, shall be deemed and held to have done so negligently, and shall be liable in damages to the party injured thereby; unless the party kindling such fire as aforesaid shall show beyond every doubt that there was no negligence on his part, and that the fire extended from his own land from causes entirely beyond his own control.

§ 2. No person in the county of Suffolk shall set fire to any wood, brush, fallow or other land (salt meadow excepted), in the day time before four o'clock in the afternoon, nor without the help and implements necessary to control such fire, and every person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, or both, at the discretion of the court; such fine not to exceed one thousand dollars, and such imprisonment not to exceed one year.

Chap. 392.

AN ACT to amend the Code of Procedure, and to repeal section thirty-seven, article second, title second, chapter first, part third of the Revised Statutes.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act known as the Code of Procedure is hereby amended as follows :

Section thirteen is amended by adding at the end thereof the following: and whenever in any action or proceeding in which the people of this State or any State officer, or any board of State officers, is or are sole plaintiff or defendant, an appeal has been or shall be brought from any judgment or order for or against him or them, in any court. such appeal shall have a preference in the supreme court and in the court of appeals, and may be moved by either party out of the order on the calendar.

Preferred causes in court of appeals.

Section one hundred and four is hereby amended so as to read as follows :

Section 104 amended as to limitation of actions.

"If an action shall be commenced within the time prescribed therefor, and a judgment therein be reversed on appeal, the plaintiff, or if he die and the cause of action survive, his heirs or representatives may commence a new action within one year after the reversal."

Section one hundred and sixteen is hereby amended by adding at the end thereof the following: "And in case an infant defendant, having an interest in the event of the action, shall reside in any State, with which there shall not be a regular communication by mail, on such fact satisfactorily appearing to the court, the court may appoint a guardian *ad litem*, for such absent infant party, for the purpose of protecting the right of such infant in said action, and on such guardian *ad litem*, process, pleadings and notices in the action may be served, in the like manner as upon a party residing in this State."

Section 116 amended as to guardian ad litem.

Section one hundred and fifty-four is hereby amended so as to read as follows :

Section 154
amended as
to judgment
on failure
to reply.

"If the answer contain a statement of new matter constituting a counter-claim, and the plaintiff fail to reply or demur thereto within the time prescribed by law, the defendant may move, on a notice of not less than ten days, for such judgment as he is entitled to upon such statement, and if the case require it, a writ of inquiry of damages may be issued."

Subdivision seven, and what follows it of section one hundred and sixty-seven, is hereby amended so as to read as follows:

Section 167
amended as
to joinder
of claims.

"Seven. Claims against a trustee, by virtue of a contract, or by operation of law. But the causes of action, so united, must all belong to one of these classes, and except in actions for the foreclosure of mortgages must affect all the parties to the action, and not require different places of trial, and must be separately stated. In actions to foreclose mortgages the court shall have power to adjudge and direct the payment, by the mortgagor, of any residue of the mortgage debt that may remain unsatisfied after a sale of the mortgaged premises, in cases in which the mortgagor shall be personally liable for the debt secured by such mortgage; and if the mortgage debt be secured by the covenant or obligation of any person other than the mortgagor, the plaintiff may make such person a party to the action, and the court may adjudge payment of the residue of such debt remaining unsatisfied after a sale of the mortgaged premises against such other person, and may enforce such judgment as in other cases."

Section one hundred and seventy-nine is hereby amended, in the fourth subdivision thereof, by adding to said subdivision the following words:

Section 179
amended as
to causes of
arrest.

"Or when the action is brought to recover damages for fraud or deceit."

Section two hundred and fifty-six is hereby amended by striking out all after the word "notice," in the second paragraph, and adding to the said section the following:

Section 256
amended as
to filing
notes of
issue and
employing
stenogra-
phers in
city of New
York.

"In every action in which issue of fact is now joined, and the action is now placed upon the calendar of the supreme court of the first judicial district, or of the superior court of the city of New York, or of the court of common pleas for the city and county of New York, the party who shall have filed such note of issue, shall,

as a condition precedent to such action being brought to trial, pay to the clerk of the court the sum of three dollars; and in every action in either of the said courts commenced after the passage of this act, the party who shall file therein a first note of issue of fact shall, as a condition precedent to such filing, pay to the clerk of the court the sum of three dollars; and the amounts so received shall be accounted for and paid over, monthly, by the clerk of each of said courts, to the comptroller of the city of New York, and by him deposited in the county treasury, to be used as a fund for the payment of the salaries of stenographers employed in said courts, as provided for in this section. If the fund thus created be inadequate to pay such salaries, the additional amount necessary for such payment shall be appropriated and paid from the fund of county contingencies, to which fund any surplus of the sums so paid over to the comptroller, as hereinbefore provided, shall be credited.

Each of the courts hereinbefore named shall appoint a stenographer for the circuit, trial, term or special term, which constitutes a separate branch of such court, who shall be a sworn officer of the court, shall hold office during the pleasure of the court, and shall be paid a salary of fifteen hundred dollars per annum, in like manner as the salaries of other officers of the courts are now paid. It shall be the duty of every stenographer so appointed for any circuit, trial, term or special term, under the direction of the presiding judge thereof, to take full stenographic notes of all proceedings in every trial thereat; and in case the presiding judge shall require a transcript of said stenographic notes, he may order the expense thereof to be paid equally by the parties to the action, at the rate of ten cents for every one hundred words so transcribed, and may enforce payment thereof, and the amount so paid, together with the sum paid as a condition precedent to the cause being brought to trial, or to the first note of issue being filed as hereinbefore provided, shall be deemed a necessary disbursement within the meaning of section three hundred and eleven of the Code of Procedure, and shall be allowed as such to the prevailing party in the action.

At any extra circuit, trial, term or special term of said courts, the presiding judge thereof shall appoint a steno-

grapher for such extra circuit or term, who shall, in like manner as aforesaid, be a sworn officer, and who shall be paid a compensation at the rate and in the manner hereinbefore provided.

When a court of oyer and terminer shall be held in and for the city and county of New York, the presiding judge thereof shall designate one of the stenographers of the supreme court to act as stenographer of such court of oyer and terminer during its session, who shall, in like manner as aforesaid, be a sworn officer, but who shall receive no compensation in addition to his salary as hereinbefore provided, except that in case a transcript of his stenographic notes, taken on the trial of any criminal cause, be required for the use of the presiding judge or the district attorney, the expense thereof shall, on the order of such judge or district attorney, be paid as a county charge at the rate hereinbefore specified."

Stenographers in other counties.

"In other counties of this State, on trials of issues of fact, at any circuit court, or court of oyer and terminer, it shall be lawful for the presiding justice, in his discretion, to employ a stenographer, who shall be entitled to such compensation as shall be certified by such justice, not exceeding five dollars for each day's attendance at such court at the request of such justice; which compensation shall be a charge upon the counties in which such courts shall be held respectively, and shall be audited, allowed and paid in like manner as other county charges are audited, allowed and paid. It shall be the duty of such stenographer to furnish to any party to such trials, upon request, a copy of the evidence and proceedings taken by him on such trials, or of such part thereof as may be required, on payment, on behalf of such party, of six cents for every one hundred words of the copy so furnished."

Section 273 amended as to appointment of referees and making of report.

Section two hundred and seventy-three is hereby amended so as to read as follows: "In all cases of reference, the parties as to whom issues are formed in the action, (except when the defendant is an infant or an absentee,) may agree in writing upon a person or persons not exceeding three, and a reference shall be ordered to him or them, and to no other persons. And if such parties do not agree, the court shall appoint one or more referees, not more than three, who shall be free from ex-

ception. And no person shall be appointed referee to whom all parties in the action shall object, except in actions for divorce. And no justice or judge of any court shall sit as referee in any action pending in the court of which he is judge, and not already referred. Unless the court shall otherwise order, or the parties otherwise stipulate, the referee or referees shall make and deliver a report within sixty days from the time the action shall be finally submitted, and in default thereof, said referee or referees shall not be entitled to receive any fees, and the action shall proceed as if no reference had been ordered."

Section two hundred and ninety-two is hereby amended by adding thereto the following: "Nor shall he be excused from answering any question on the ground that he has, before the examination, executed any conveyance assignment or transfer of his property for any purpose, but his answer shall not be used as evidence against him in any criminal proceeding or prosecution."

Section 292
amended as
to examina-
tion of
judgment
debtor.

Section two hundred and ninety-four is hereby amended by adding thereto the following words: "The proceedings mentioned in this section, and in section two hundred and ninety-two, may be taken upon the return of an execution unsatisfied, issued upon a judgment recovered in an action against joint debtors, in which some of the defendants have not been served with the summons by which said action was commenced, so far as relates to the joint property of such debtors; and all actions by creditors, to obtain satisfaction of judgments out of the property of joint debtors, are maintainable in the like manner and to the like effect. These provisions shall apply to all proceedings and actions now pending, and not actually terminated by any final judgment or decree."

Section 294
amended as
to supple-
mentary
proceed-
ings.

Section two hundred and ninety-eight is hereby amended by adding thereto the following:

"But before he shall be vested with any real property of such judgment debtor, a certified copy of said order shall also be filed and recorded in the office of the clerk of the county in which any real estate of such judgment debtor sought to be affected by such order is situated, and also in the office of the clerk of the county in which such judgment debtor resides."

Section 298
amended as
to receiver.

Section three hundred and seven is hereby amended by adding to subdivision three thereof the following words:

Section 307
amended as
to cost.

“ And for attending the examination of a party before trial ten dollars; for making and serving a case, twenty dollars; and for making and serving amendments thereto, ten dollars.”

Section three hundred and twenty-eight is hereby amended so as to read as follows:

Section 328
amended, as
to appeals.

“ If the appellant shall not, within twenty days after his appeal is perfected, cause a certified copy of the notice of appeal and of the judgment roll, or, if the appeal be from an order or any part thereof, a certified copy of such order and the papers upon which the order was granted, to be transmitted to the appellate court by the clerk with whom the notice of appeal is filed, the respondent may cause such certified copy to be transmitted by such clerk to the appellate court and recover the expenses thereof, as a disbursement on such appeal in case the judgment or order appealed from shall be in whole or in part affirmed, and this provision shall apply to all appeals heretofore taken where the appeal has not been dismissed in the manner provided by the rules of the appellate court.”

Section three hundred and thirty-five is hereby amended so as to read as follows:

Section 335
amended as
to stay of
execution
on appeal.

“ If the appeal be from a judgment directing the payment of money, it shall not stay the execution of the judgment, unless a written undertaking be executed on the part of the appellant, by at least two sureties, to the effect, that if the judgment appealed from or any part thereof be affirmed, or the appeal be dismissed, the appellant will pay the amount directed to be paid by the judgment, or the part of such amount as to which the judgment shall be affirmed, if it be affirmed only in part, and all damages which shall be awarded against the appellant upon the appeal. Whenever it shall be made satisfactorily to appear to the court that since the execution of the undertaking the sureties have become insolvent, the court may, by rule or order, require the appellant to execute, file and serve a new undertaking as above; and in case of neglect to execute such undertaking within twenty days after the service of a copy of the rule or order requiring such new undertaking, the appeal

may, on motion to the court, be dismissed with costs. Whenever it shall be necessary for a party to any action or proceeding to give a bond or an undertaking, with surety or sureties, he may in lieu thereof deposit with the officer or into court, as the case may require, money, to the amount for which such bond or undertaking is to be given. The court in which such action or proceeding is pending may direct what disposition shall be made of such money, pending the action or proceeding. In any case where, by this section, the money is to be deposited with an officer, a judge of the court, at special term or at chambers, upon the application of either party, may, before such deposit is made, order it to be deposited in court instead of with such officer; and a deposit made pursuant to such order, shall be of the same effect as if made with such officer."

Section three hundred and fifty-two is hereby amended by adding thereto as follows:

"And when the appeal is to the superior court of Buffalo, in the cases in which by the terms of this section a new trial may be had, such new trial shall be had in the said superior court."

Section 352 amended as to new trial in superior court of Buffalo.

Section three hundred and fifty-five is hereby amended so as to read as follows: "When by the terms of section three hundred and fifty-two, the appellant is entitled to a new trial, in the appellate court, he shall, at the time of taking his appeal, and in all other cases, if he desires a stay of execution of the judgment, give security as provided in the next section."

Section 355 amended as to security on appeal.

Section three hundred and sixty-four is hereby amended by adding thereto the following: "And the provisions of this chapter for a new trial shall apply as well to appeals heretofore taken and now pending, as those hereafter to be brought."

Section 364 amended as to appeals now pending.

Section three hundred and seventy-one is hereby amended by striking out the last two sentences of the first paragraph and inserting in place thereof the following: "If such offer be not made, and the judgment in the appellate court be more favorable to the appellant than the judgment in the court below, or if such offer be made and not accepted, and the judgment of the appellate court be more favorable to the appellant than the offer of the respondent, the appellant shall recover costs."

Section 371 amended as to offer of judgment, on appeal, and the costs.

If the offer be made, and accepted by the appellant, the appellant shall recover all his disbursements on appeal, and all his costs, in the court below. But the appellant shall not recover costs except as provided in this chapter. The respondent shall be entitled to recover costs where the appellant is not."

Section 395
amended as
to examina-
tion of ad-
verse party.

Section three hundred and ninety-five is hereby amended so as to read as follows: "A party examined by an adverse party, as in this chapter provided, may be examined on his own behalf, subject to the same rules of examination as other witnesses. But if he testify to any new matter, not responsive to the inquiries put to him by the adverse party, or necessary to explain or qualify his answers thereto, or discharge when his answers would charge himself, such adverse party may offer himself as a witness on his own behalf in respect to such new matter, subject to the same rules of examination as other witnesses, and shall be so received."

Section 399
amended as
to testi-
mony of
parties.

Section three hundred and ninety-nine is hereby amended by adding thereto the following: "But if the testimony of a party to the action or proceeding has been taken, and he shall afterwards die, and after his death the testimony so taken shall be used upon any trial or hearing, in behalf of his executors, administrators, heirs-at-law, next of kin, or assignees, the other party or the assignor of a thing in action, shall be a competent witness, as to any and all matters to which the testimony so taken relates, notwithstanding anything in this section contained to the contrary thereof."

Section 37,
article 2,
title 2, of
chap. 1, and
part 3, of
Revised
Statutes,
repealed.
Section 471
amended as
to mandam-
us.

§ 2. Section thirty-seven, article second, title second, chapter first, part third, of the Revised Statutes in relation to the jurisdiction of the court of chancery, is hereby repealed.

§ 3. Section four hundred and seventy-one of the Code of Procedure is hereby amended by adding thereto the following: "In actions or proceedings by mandamus, amendments of any mistakes in the process, pleadings, or proceedings therein may be allowed, and shall be made in conformity to the provisions of chapter six, title six, of the second part of the Code of Procedure."

Chapter 460
of laws
of 1862,
amended.

§ 4. The four hundred and sixtieth chapter of the Laws of eighteen hundred and sixty-two, is hereby amended by striking out the characters and figures therein as follows: "§ 28, § 29, § 30."

Chap. 393.

AN ACT to provide means for the support of Government; to authorize a tax of two mills on a dollar for purposes of the general fund; three-fourths of a mill for maintenance of common schools; three-eighths of a mill for the interest and redemption of State indebtedness, and two mills for payment of bounties to volunteers, and for other purposes.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be imposed for the fiscal year commencing on the first day of October, eighteen hundred and sixty-three, a State tax of one mill and one-half of one mill on each dollar of the valuation of real and personal property in this State subject to taxation, which tax shall be assessed, levied and collected on and by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this State, to be held by the treasurer for application to the purposes of the general fund, and for the payment of those claims and demands which shall constitute a lawful charge upon that fund.

One and
a half mill
tax imposed

§ 2. There shall also be imposed for the same fiscal year a State tax of one-half of one mill on each dollar of the valuation of real and personal property in this State subject to taxation, which tax shall be assessed, levied and collected, as aforesaid, and shall be paid by the several county treasurers into the treasury of this State, to be held by the treasurer for application to the purposes of the general fund, to pay those claims and demands which have been constituted a lawful charge upon that fund in pursuance of acts passed in the year eighteen hundred and sixty-two.

Half mill
tax imposed

§ 3. The State tax of three-fourths of one mill on each dollar of valuation of real and personal property in this State subject to taxation, shall be assessed, levied and

Three-
fourths of a
mill tax
imposed.

collected for the support of common schools, pursuant to chapter one hundred and eighty of the Laws of eighteen hundred and fifty-six, and shall be paid by the county treasurers into the treasury of this State, to be held by the treasurer for application to the maintenance of common schools throughout this State; and the further tax of three-eighths of one mill on each dollar of valuation of real and personal property subject to taxation, shall be assessed, levied and collected, pursuant to chapter two hundred and seventy-one of the Laws of eighteen hundred and fifty-nine, to pay the interest and redeem the principal of the State debt of two and a half million of dollars, then legalized, and shall be paid into the treasury of this State, to be held by the treasurer for the payment of interest and redemption of principal of the aforesaid debt, as provided in said act.

Two mills
tax imposed

§ 4. There shall also be imposed for the fiscal year commencing on the first day of October, eighteen hundred and sixty-three, a State tax of two mills, or such part of that amount as in the judgment of the comptroller may be necessary, on each dollar of the valuation of real and personal property in this State subject to taxation, which tax shall be assessed, levied and collected in the same manner as the tax for the general fund, and shall be paid by the several county treasurers into the treasury of this State, to be held by the treasurer for application to the payment of bounties to volunteers into the service of the government of the United States, or of appropriations to the families of volunteers, or to any other persons or families of persons who may be conscribed and employed in the army of the United States.

County
treasurers
to pay over
moneys on
or before
1st of April
in each year

§ 5. It shall be the duty of the several county treasurers of this State, on or before the first day of April in each year, to pay to the treasurer of this State the amount of State tax raised and paid over to them respectively, retaining the compensation to which they may be entitled, and which compensation shall not exceed the amounts now authorized by law, and shall not in any case exceed the sum of two thousand dollars. But in case any county treasurer shall not pay over the said State tax, as here directed, the comptroller shall charge on all sums withheld, such rate of interest as shall be sufficient to repay all expenditures incurred by the State in bor-

rowing money equivalent to the amount so withheld, and such additional rate as he shall deem proper, not exceeding ten per cent per year, from the first day of April in each year, and he may collect such interest from such defaulting county treasurers by suit.

Chap. 394.

AN ACT for the relief of Thomas Brazell and John McCann.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board are hereby authorized to hear and determine the alleged claim for work done on sections two hundred and eighty-seven, two hundred and ninety-one, two hundred and ninety-two, two hundred and ninety-three, two hundred and ninety-four, two hundred and ninety-five and two hundred and ninety-six of the Erie canal, and also on sections two hundred and forty-eight, two hundred and forty-nine, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-six, two hundred and fifty-eight and two hundred and sixty-four of the Erie canal, under two contracts made between the contracting board and Thomas Brazell and John McCann, bearing date the thirteenth day of December, eighteen hundred and sixty-one, and allow the said Thomas Brazell and John McCann, for work done under the said contracts, such additional compensation above the compensation specified in the said contracts, as shall by the said board be deemed just and equitable.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sums as may be allowed and awarded to the said Thomas Brazell and John McCann out of any money appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 395.

AN ACT to authorize justices of the peace in the county of Ulster to hold inquests in the absence of coroners.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Justices of the peace in the several towns in the county of Ulster, in which no coroner resides, and in all other towns in said county, in the absence of the coroner from said towns, are hereby authorized and empowered to hold inquests in the same manner and with the like force and effect as coroners.

§ 2. Each and every justice of the peace who shall hold inquests by virtue of this act, shall receive the same fees as are now allowed by law to coroners.

§ 3. This act shall take effect immediately.

Chap. 396.

AN ACT to incorporate the village of Frankfort.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Bounds of
corporation

SECTION 1. All that district of country in the town of Frankfort, in the county of Herkimer, contained in the following boundaries, to wit: beginning at a white ash tree standing on the southerly bank of the Mohawk river, about thirty-nine and a half chains on a course north thirty-eight and a half degrees east from the main street running through said village, and runs from thence south thirty-two degrees east twenty-seven and a half chains to the east line of the farm of Epaphroditus Palmer and the west line of John L. Hoard; thence south thirty-eight and a half degrees, west thirty-seven and a half chains along said line to the centre of the road leading from said village to the village of Mohawk; thence north thirty-two degrees, west thirty-seven and a half

links ; thence south thirty-eight and a half degrees, west along the westerly line of a highway running by the premises of David Reese forty-three and a half chains ; thence north thirty-two degrees, west ninety-nine chains to a maple tree standing on the westerly line of a farm (formerly owned by John B. Dygert, deceased, and now by the representatives of Elisha Woodruff, deceased), and runs thence north along said westerly line north forty degrees, east forty-three chains to the centre of said river road ; thence north thirty-two degrees, west one and sixty one-hundredth chains to the westerly line of the land of Isaac Piper ; thence, north forty-two degrees, west along said line eight chains to the southerly bank of said Mohawk river ; thence easterly along the southerly bank of said river as it winds and turns to the place of beginning, containing by computation about six hundred and sixty acres of land.

Election of
officers.

§ 2. It shall be lawful for the inhabitants residing within said bounds, who are or shall be liable to taxation for any of the purposes of said corporation, except for highway labor, and against whom no disqualification exists such as would render them incompetent to vote at town meetings, to meet on the third Saturday after the passage of this act, at the hotel of William J. Brown, in said village of Frankfort, at one o'clock in the afternoon, and then and there elect by ballot from the qualified electors of said village one president, two assessors, one treasurer, one clerk, one collector, and one constable of said corporation. The justices of the town of Frankfort, or any one of them, together with the town clerk, shall attend said meeting, and shall proceed in the same manner and discharge the same duties as belong to them at town meetings, and in the absence of said justices, a chairman to perform such duties shall be appointed by the meeting ; and on the second Saturday in March, in each year thereafter, there shall in like manner be elected officers to fill the same offices ; and the acting trustees for the time being, or any one of them, shall preside at said election, giving notice thereof by a notice posted in three public places in said village at least five days previous to the time of said election, unless the place for holding the same shall have been fixed by the electors at the preceding annual meeting.

Oath of
office.

§ 3. All officers of or under the corporation shall, within one week after their election or appointment, and before they proceed to execute the duties of their respective offices, take and subscribe on oath or affirmation before the president of said corporation, who shall have taken and subscribed a like oath within the same time before a justice of the peace of the county of Herkimer, to support the Constitution of the United States and of the State of New York, and for the faithful execution of the duties of the offices to which they shall have been elected or appointed. All such oaths or affirmations shall be administered without fee or reward, and shall be entered in a book to be kept by the president for that purpose.

Trustees.

§ 4. The president, assessors, treasurer and clerk shall be, *ex officio*, trustees, and whenever the term trustees is mentioned in this act, it shall be understood as applying to said officers; and any three of them shall constitute a board of trustees for the transaction of the business of the said village of Frankfort.

Duties of
clerk.

§ 5. In addition to his duties as a member of the board of trustees, it shall be the special duty of the clerk to keep the records, books and papers of the corporation, and to file and preserve all necessary papers delivered to him for that purpose; to attend all the necessary meetings of the electors of the said village, and of the trustees and record the proceedings of such meetings in a book or books to be by him kept for that purpose, and to keep a poll list of the names of persons voting at any election of officers. In case of his absence from any meeting, some suitable person shall be elected temporarily to perform the duties of the office.

Duties of
treasurer.

§ 6. In addition to his duties as one of the board of trustees, the treasurer shall receive, have the custody of, and pay over to the persons entitled to the same in the manner directed by the trustees, all moneys belonging to the corporation; he shall keep an accurate and just account of all receipts and disbursements, and account for such moneys to the electors of said village at their annual meeting, in writing, to be filed with the clerk, and also to the board of trustees whenever required by them.

§ 7. The treasurer and collector shall, before they enter upon the duties of their offices, give such bond with one or more sureties, to the president of said village as he shall deem sufficient. conditioned to pay over and account for all moneys that shall come to their hands as such officers, and for the faithful performance of the trust reposed in them.

Bond of
treasurer
and collect-
or.

§ 8. The constable chosen or appointed by virtue of this act shall be invested with the same powers and authority, entitled to the same fees and rewards, and subject to the same duties and liabilities in every respect, as by law appertain or belong to constables chosen at town meetings in the several towns in this State; and his fees in all criminal cases chargeable upon the county shall be audited and allowed by the board of supervisors of the county of Herkimer; and those chargeable upon the town, by the board of town auditors in such town, in like manner as the accounts of the constables of the several towns are audited and allowed.

Constable
and his
powers and
fees.

§ 9. All officers elected or appointed by virtue of this act, shall hold their offices for one year, and until others are elected or appointed and qualified to act in their several places.

Term of
office.

§ 10. The trustees shall receive no compensation for their services, but shall be allowed necessary expenses and disbursements incurred and made for said village. The collector shall receive such a per centage as collection fees as is by law allowed to the town collectors in the several towns of this State. Neither shall the president, clerk, assessors or treasurer, as such, receive any compensation except for necessary expenses incurred for said village.

Pay.

§ 11. The electors of the village, at any annual or special meeting, may direct and authorize the board of trustees to raise by tax, in addition to the street assessments and road tax, such sums, not exceeding one hundred dollars annually, as they may deem necessary to carry into effect any of the provisions of this act.

Tax.

§ 12. The said electors may, at any regular meeting, by a vote, authorize the board of trustees to contract a debt or debts, for and in the name of said village, for the purchase of a fire engine and other fire apparatus; but the debt of said village so authorized, shall never exceed

Fire engine
and appa-
ratus.

in the aggregate the sum of three hundred dollars ; and whenever such debt shall exist it shall be the duty of the trustees to cause to be levied and collected of the taxable property in said village, in each year, such part thereof as shall be sufficient to provide for the payment of interest and the principal of such debt in some reasonable time not exceeding four years.

Trustees to
keep ac-
count.

§ 13. The trustees shall keep an accurate account of their expenses and disbursements, and of all moneys received and paid by them during their continuance in office, and shall at every annual meeting, either in person or by the treasurer, prepare and state the account of the current year in writing, to be filed with the clerk ; and if a balance remain in their hands, or in the hands of the treasurer, he or they, as the case may be, shall pay the same over to his or their successors.

Filling of
vacancies.

§ 14. The board of trustees are authorized to fill all vacancies that may happen in any office for the remainder of the term during which such vacancies shall occur, and may at any time remove from office or place any person who shall have been appointed by them, for sufficient cause, reasonable notice having been first given to the delinquent ; and all persons so appointed shall have like powers, and be subject to the same duties, restrictions, liabilities and requirements as if elected or originally appointed.

Powers of
trustees.

§ 15. The board of trustees shall have power to cause the streets, including sidewalks, or either, or any part of either of them, within the said village to be leveled, raised, graded, pitched, graveled or repaired, and the assessors shall assess the expense thereof, in a just and equitable manner, upon the respective lots and property in front of or along which said improvements shall have been made ; and the trustees shall have power to cause the sidewalks within the compact part of said village to be graveled or planked ; but all persons liable to be assessed for the same shall have the privilege of constructing the sidewalks in front of their own lots, but if not done in the manner, of the materials, and within the time prescribed by said board of trustees, they may cause the same to be done, and assess the expense thereof upon the owners of the said lots, in proportion to the width of their respective lots fronting on said street ; and the said

assessment, and the collection thereof, shall conform in all respects, so far as is consistent therewith, to the provisions of this act, in relation to the assessment and collection of taxes.

§ 16. The trustees shall have power:

First. To appoint one of their number to preside at any meeting of the electors or of themselves, in the absence of the president. Powers of trustees.

Second. To purchase and hold such real estate as may be necessary for the location and erection of engine houses, markets, pounds, wells, cisterns and reservoirs. Ib.

Third. To purchase fire engines and other usual apparatus and implements for extinguishing fires, and to erect houses for the safe keeping thereof. Ib.

Fourth. To provide for the equipment, government, duties and exercise of fire companies. Ib.

Fifth. To inspect or cause to be inspected, fire places, chimneys, stoves and stove pipes, and to cause the same to be put and kept in safe condition. Ib.

Sixth. To compel the inhabitants of said village to keep their ashes in safe places, to prevent and remove obstructions in the streets and upon the sidewalks. Ib.

Seventh. To control the location of slaughter houses within the limits of said village. Ib.

Eighth. To prevent immoderate and improper riding or driving, and the discharge of fire arms and crackers, and the burning and improper deposit of powder in said village. Ib.

Ninth. To prevent the running at large in said village, of cattle, horses, sheep, swine, geese or other animals, by impounding and sale thereof. Ib.

Tenth. To erect a pound in said village, and appoint a pound master. Ib.

Eleventh. To provide for the repairing and safe keeping of the property of said corporation, and to provide for keeping streets and open grounds in said village in good order, and to enact and enforce penalties for any injury done to trees or shrubbery standing in any public place in said village. Ib.

Twelfth. To restrain within the bounds of said village in such manner as they may deem proper, the exhibition of any show, caravan, circus, theatre, or any artificial or natural curiosity for money; and they shall in no case

permit such exhibition, except on the payment to the treasurer for the use of the corporation of a sum not more than ten dollars for each exhibition.

Powers of trustees.

Thirteenth. To direct the time within which the assessors of said village shall complete the assessment roll, and to correct the same on appeal.

Ib.

Fourteenth. To prescribe the manner of drawing moneys from the hands of the treasurer, and of keeping all the accounts respecting the affairs of said village.

Ib.

Fifteenth. To remit all fines, penalties and forfeitures wholly or in part.

Ib.

Sixteenth. To purchase and receive the title of lands for a public cemetery for the use of said village and its vicinity; but not to impose a tax therefor, nor shall said land exceed in quantity ten acres.

Ib.

Seventeenth. To prevent persons from leaving horses or teams in the streets of said village without being tied or fastened.

Ib.

Eighteenth. To prevent and restrain riots, routs, noises, disturbances or disorderly assemblages in any street or part of said village.

Ib.

Nineteenth. To make, ordain and publish all by-laws and ordinances, not repugnant to the Laws and Constitution of this State and the United States, necessary to carry into full effect any of the provisions of this act, and to alter, amend or repeal the same.

Ib.

Twentieth. To compel the inhabitants of said village to aid in extinguishing fires, and to direct the manner in which such aid shall be given.

By laws.

§ 17. It shall be the duty of the board of trustees to publish the by-laws, rules, regulations and ordinances they shall from time to time ordain and make, for at least two weeks in any newspaper that may be published in said village of Frankfort before they shall take effect, and in case no newspaper is published therein at the time of the passage of any by-law, then they shall give public notice of the same, by posting copies thereof in at least three public places in said village; to sue for and recover all penalties under this act and their by-laws; and generally to exercise and carry into effect, for the good order and well-regulating of said village, all powers with which they are invested by this act.

Fines, &c.

§ 18. The trustees may ordain and impose such reason

able fines, forfeitures and penalties upon the offenders against any of their by-laws, ordinances, rules and regulations as they shall think proper, not exceeding ten dollars for any one offense, to be prosecuted before any justice of the peace of the town of Frankfort or any adjoining town in the county of Herkimer, by the trustees in the corporate name of the corporation, to and for the use thereof; and on judgment being recovered for any such fine, forfeiture or penalty, execution shall issue against the body of the defendant, as well as his property, in the same manner as in actions for torts.

§ 19. The said trustees may organize a fire department for said village, to consist of a chief engineer and an assistant engineer; one company of firemen, not exceeding thirty-four men, and one hook and ladder company, not exceeding twelve men. All the officers and men of said fire department shall be appointed by said trustees, and hold such appointment during their pleasure. The trustees shall be fire wardens, *ex officio*, and shall belong to said department.

Fire department.

§ 20. The said village of Frankfort is hereby constituted a road district, and shall be exempt from the superintendence of the commissioners of highways of the town of Frankfort; and the trustees of said village shall have the same powers over the said road district, and discharge all the duties which by law are given to or enjoined upon commissioners of highways in towns, and be subject to the like restrictions and appeals, except as hereinafter provided. The said trustees, as such commissioners, shall have power:

Village made a road district.

First. To direct that any portion of the highway labor, tax or commutation therefor be laid out in making and repairing sidewalks and crosswalks in said village.

Trustees, commissioners of highways and powers
Ib.

Second. To direct such portion of the highway labor, tax or commutation therefor, as they may, in their discretion, determine to be laid out and expended, and in such places on the highways in the town of Frankfort, without the bounds of the corporation, as they may designate.

Ib.

Third. To appoint, by contract one or more street commissioners, and to remove the same at pleasure, and to appoint one or more persons, in the same manner in their stead.

Ib.

Trustees,
commissioners of
highways,
and powers.

Fourth. To require from such commissioners, a bond with one or more sureties, for the faithful performance of their duties, and for the faithful expenditure of, and accounting for, all moneys that may come to their hands as such commissioners.

Th.

Fifth. To pay such commissioner or commissioners such compensation as they, said trustees, may think proper.

Th.

Sixth. To make an estimate and assessment of the whole number of days' work to be assessed in each year, in the manner prescribed by the provisions contained in article second, title first, chapter sixteen, and first part of the Revised Statutes, and the act to amend the same, passed April tenth, eighteen hundred and thirty-two, except that no person shall be assessed more than one day for a poll tax.

Th.

Seventh. To require of every person who shall be so assessed over two days in any one assessment, the payment of his or her assessment, in money, at the rate of not less than fifty nor more than seventy-five cents per day, and to collect the same in the manner that taxes in said village are collected.

Th.

Eighth. To make their order, from time to time, in favor of any such street commissioner, upon the treasurer, for such portions of the moneys so collected as they may deem proper to be expended in the streets of said village, or the highways leading into the same in compensating the commissioners, and in the purchase of scrapers, plows, and other necessary implements therefor, as they may deem proper. Whenever required, the said street commissioner or commissioners, for the time being, shall deliver to the trustees a list of all the persons in said village, by law liable to work on the highway; when a list of persons assessed for not more than two days each shall be delivered by the trustees to any street commissioner, he shall warn all such persons to labor on the highways, according to the article of the Revised Statutes above referred to; and all such persons, when duly warned, shall work out their assessment, or they may commute for the same at the rate that the trustees may have established for highway labor during the then current year, under the preceding subdivision, such commutation to be paid to such street commissioner at the time of said warning. If any person shall neglect or refuse

so to work or commute, he shall be liable to the same penalties as are provided in the third article of the Revised Statutes above referred to, and to be collected in the same manner. The street commissioner or commissioners, for the time being, shall superintend the labor to be done on the streets and highways, and shall expend all moneys that shall come to his or their hands as such, according to the direction of the trustees. Every such street commissioner shall, as often as required by the trustees, account to them for all moneys that he may receive, and at the end of his term of office render them a full account, under oath, as is provided for overseers of highways in the said third article; and the street commissioner or commissioners, for the time being, shall have the care of the streets, sidewalks and crosswalks in said village, and perform such other duties in relation thereto as the trustees shall direct. The collector of the village of Frankfort shall, under the direction of the trustees, collect the assessments, required as aforesaid to be paid in money in lieu of highway labor, to have the same powers in relation thereto, and be subject to the same duties and liabilities as in the collection of other taxes; and said assessments shall be a lien on real estate in the same manner as other taxes.

§ 21. Upon the petition or consent in writing of a majority of the persons liable to be assessed therefor, or on the petition of twelve freeholders residing within said corporation, the trustees may lay out, make, open or discontinue streets, alleys, lanes or highways in said village, in like manner as commissioners of highways, but no building exceeding the value of two hundred dollars, the valuation to be ascertained and fixed by the assessors, shall be removed without the consent in writing of the owner; and they shall, in all cases, cause the said openings to be accurately surveyed and described, and recorded in a book kept by the clerk of said village.

Parks, &c.
may be laid
out upon
petition,
&c.

§ 22. The amount of damage which any person may sustain by the opening, widening, or change of location and direction of any highway, road, street, lane, alley, square or park, on or through his grounds, may be settled by agreement between him and the trustees; and in case of disagreement, the parties shall designate three

Payment of
damages.

disinterested freeholders residing out of the said corporation and within the towns of Frankfort or German Flats, who shall be sworn before some person authorized to administer oaths, well and truly to discharge the duties hereby imposed, and shall proceed within thirty days after the appointment, to assess and ascertain the damages which every person owning lots or buildings situate upon such improvement, shall suffer in consequence thereof. And in case the parties cannot agree on the persons so to assess the said damages, then the county court of the county of Herkimer shall designate the same, and the persons so designated shall in like manner be sworn and proceed to ascertain the damages as aforesaid. And after the amount of such damages shall be ascertained, they shall apportion the amount thereof upon the owners of the real estate situated in said village, which is benefited by such improvement, in proportion to the benefit which each may receive from such improvement; and shall file their decision in the office of the clerk of said village; and the said decision shall take effect from the filing thereof. Any person thinking himself aggrieved by the action of the trustees, under the authority herein conferred, or by the decision of the persons so appointed to ascertain and assess such damages and apportion the amount thereof, as aforesaid, may within ten days after the decision complained of, make an appeal in writing to any three justices of both or either of the two towns aforesaid, whose duty it shall be within ten days after such appeal, to examine into the facts of the case and decide thereupon, and their decision in the premises shall be final and conclusive upon the parties. The said justices shall be entitled to receive five dollars a day to be divided equally between them for their services, to be paid by the complainant in case the decision is confirmed; but, if the decision is reversed, to be paid by the corporation. After the amount of damages shall have been ascertained and assessed as aforesaid, the trustees shall direct by their warrant in writing, returnable in not less than thirty days, the collector of said village, within the time therein specified, to collect the amount of the said damages from the several persons among whom it shall be apportioned, with such a sum not exceeding five per cent on the

amount assessed, as they shall deem proper for his services in collecting the same, and to pay the sums so assessed to the treasurer of said village; and the collector shall thereupon proceed to collect the same, in the same manner in which he collects taxes. When the said assessment shall be collected, the treasurer shall pay the damages ascertained as aforesaid, to the several persons entitled to receive the same.

§ 23. Whenever the inhabitants of said village, by a vote taken as hereinbefore prescribed, shall have directed the raising of any sum or sums of money by tax, the assessors of said village shall, within such time as the trustees shall have directed, make out a tax list thereof, in which they shall insert the names of all the taxable inhabitants in said village, and the names so far as they can be ascertained, of non-residents who shall own real estate therein, specifying the value thereof; and they shall apportion the sum or sums of money to be raised by such tax on such inhabitants and non-residents owning real estate, in due proportion, and the valuation of such property, excepting property excepted by the next succeeding section of this act; in all other respects such assessments shall conform to the manner of assessments of town and county taxes, except appeals by persons aggrieved, to be made to the trustees for ten days after posting of notice of completion of tax list.

Duties of assessors in making tax list.

§ 24. The lands comprehended within the bounds of the village, reserved or used as woodlands, pastures, orchards or farm lands, including village lots on unopened streets, and village lots on opened streets that are vacant and of which three contiguous lots are in the possession of persons as part of their original farm property, except buildings and one-fourth of an acre attached to each dwelling, shall not, so long as they are reserved, kept or used, be taxed for the benefit of the village, except in relation to the streets and highways running through and adjoining the same, for a highway tax.

Exemption of certain lands from taxation.

§ 25. All taxes and assessments upon any real estate in said village, shall be a lien thereon, and shall be preferred in payment to all other charges, except town, county and State taxes; and if the same cannot be collected by the collector of said village, by the time specified in his warrant, he shall make return thereof to the

Taxes a lien on lands and sales thereof regulated.

trustees, who may give notice for ten weeks in some newspaper printed in said village, or if no paper shall be printed therein, then in any newspaper printed in the county of Herkimer, requiring the owner or owners to pay the sum assessed thereon, and ten per cent interest thereon from the time the same was returned to the trustees, and all costs and charges in relation thereto, to the treasurer of the corporation; and in case default shall be made in such payment at a day and place therein prescribed, that all such lands will be sold at public auction to the person who will advance the amount of such assessment, interest, cost and charges for the shortest term of time; and if such tax and the expenses, costs and interests are not paid as in the said notice required, it shall be lawful for the said trustees, or a majority of them, to cause such land to be sold at public auction as expressed in such notice, and to give a certificate of such sale under their corporate seal to the purchaser thereof; and such purchaser, his executor, administrators and assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their own use, against the owner thereof, and all persons claiming under him, until the expiration of the term for which such sale was made, subject to the payment of the taxes and assessment during said terms, and shall be entitled to move from such land any buildings or materials erected or put thereon after such purchase. But any lands sold by virtue of this section may be redeemed at any time within two years from the sale thereof, by any persons, by the payment to the purchaser of the amount bid by him and interest thereon at the rate of fourteen per cent, per annum.

Collector to
pay tax to
treasurer.

§ 26. The collector shall, within such time as shall be specified therein next after the receipt of his warrant for the collection of any tax or assessment, collect and pay over the same to the treasurer, and file the treasurer's receipt therefor with the clerk, together with his warrant and tax list annexed thereto; and all moneys in the hands of the treasurer, shall be liable to be drawn out by the trustees, and applied to and disposed of by them for the benefit of the said village, subject to the provisions of this act; and it shall be lawful for the trustees to issue new warrants, or to renew those that may have

been issued by them or their predecessors, for the collection of any tax or assessment from time to time so often as such warrants shall be returned uncollected.

§ 27. The trustees are hereby authorized to add the collector's fees to any sum of money authorized or directed to be collected by him in said village, and to apportion the same with the other money so to be collected.

Fees of collector.

§ 28. No person shall be an incompetent justice, witness or juror by reason of his being an inhabitant of the village of Frankfort, in any action or proceeding in which said village may be a party or have an interest.

Suits.

§ 29. This act shall take effect immediately.

Chap. 397.

AN ACT to incorporate the Oswego Water Works Company.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Thomas Kingsford, Dewitt C. Littlejohn, Delos De Wolf, Samuel B. Johnson, Hamilton Murray, Theodore Irwin, Cheney Ames, John B. Edwards, Abner C. Mattoon, and all such persons as are or may be hereafter associated with them, shall be, and are hereby constituted a body corporate by the name of the Oswego Water Works Company.

Corporators

§ 2. The capital stock of said company shall be seventy-five thousand dollars, and shall be divided into shares of one hundred dollars each, but may at any time be increased by the directors of the company, provided that such capital stock shall not be increased so as to exceed the sum of one hundred and fifty thousand dollars.

Capital.

§ 3. Books of subscription to the capital stock of said company shall be opened under the direction of the directors hereinafter named, and subject to such rules as they may prescribe; and the stock of said company shall be considered personal property, and shall be assignable and transferable on the books of the company.

Books of subscription.

Directors
and election
thereof.

§ 4. The concerns of said company shall be managed by nine directors, who shall be stockholders and residents of the city of Oswego, and who shall hold their offices for one year, and until others are chosen in their places. The annual election of directors shall be held on the first Wednesday of May in each year, at such place in the city of Oswego, and at such hour of the day as the directors for the time being shall appoint. Notice of such election shall be published once in each week, for three weeks immediately preceding such election, in two newspapers published in said city. Each stockholder shall be entitled to one vote upon each share of stock held by him or her at the time of, and which shall have been held by him or her for thirty days next previous to such election. The elections shall be by ballot, and votes may be given either in person or by proxy.

10. § 5. The persons named in the first section of this act shall be the first directors, and shall hold their offices until the first Wednesday of May, one thousand eight hundred and sixty-four, and until others are chosen in their places. In case of vacancy in the direction by reason of the death or resignation of any director, or of his ceasing to be a stockholder, or by his removal from the city of Oswego, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors at the first election, after which the stockholders shall choose three such inspectors at the annual elections. If no inspectors are so chosen, the directors may appoint them from time to time. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not for that reason be dissolved; but an election may be held on any other day, in such manner as shall be provided for by the by-laws or shall be prescribed by the directors.

Payment of
subscriptions.

§ 6. The directors may require payment of subscriptions to the stock at such times and in such proportions as they shall see fit, under the penalty of forfeiting all stock, and previous payments thereon, and may sue for and recover all such subscriptions. Notice of the time and place of such payments shall be published for four

weeks previous to the time so fixed, at least once in each week, in two newspapers published in the city of Oswego.

§ 7. The directors shall annually appoint a president, a secretary and treasurer, and such other officers and agents as they shall from time to time deem necessary, and may remove all officers appointed by them, and appoint others in their places, and fill all vacancies in the offices; and they may make and ordain such by-laws, rules and regulations as they may deem necessary and proper for the management of their business, and for accomplishing the purposes of the corporation.

Officers and
by-laws.

§ 8. For the purpose of supplying the city of Oswego with pure and wholesome water, the said company may purchase, take and hold any real estate, and by their directors, agents servants or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purpose, and may take such water from the Oswego river, or any lake, springs, ponds or streams as may be determined, provided that the diversion of said water from the Oswego river shall in nowise injure the navigation on the Oswego canal or the milling interest of Oswego, by the board of directors of the corporation hereby created, and divert and convey the same to said city, and may lay, construct, alter and repair any pipes, conduits, aqueducts, wells, reservoirs or other piers, pumps, works or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or held. Said corporation may, as aforesaid, enter upon any lands, streets, highways, roads, lanes or public squares, through which they may deem it proper to convey the water from said river, lake, springs, ponds, streams, wells and reservoirs, and lay, construct, alter, repair and replace any pipes, conduits, aqueducts, or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, as nearly as may be, as they were before said entry; but the said company shall not lay and construct said pipes, conduits, aqueducts and other works through any private garden, court-yard or building lot, without the written consent of the owner thereof.

Real estate
may be
obtained.

§ 9. Before entering, taking or using any land or water for the purpose of this act, the directors of this

Survey and
map to be
made of
lands.

company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of such owner or occupant intended to be taken or used shall be designated, and which map shall be signed by the engineer making the same and by the president of said company, and be filed in the office of the clerk of Oswego county. The company, by any of its officers, agents or servants, may enter upon any lands for the purpose of making any examination and of making said survey and map, doing no unnecessary damage.

Commissioners to assess damages, and proceedings thereon.

§ 10. In case the company cannot agree with the owners and occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, the directors may apply to the judge of the county of Oswego for the appointment of three commissioners, by whom the compensation to be paid for damages suffered or to be suffered by any person or persons, by reason of taking said lands and water and constructing any of the works of said company, shall be ascertained and determined, and in case of the death, resignation, refusal or disability to act of any of said commissioners, the judge may appoint others in their places. The commissioners shall cause a notice of at least twenty days, of the time and place of their meeting, to be served upon such of the owners of said land and water as reside in this State, which may be served personally, or in their absence from their dwellings or places of business, by leaving the same thereat with some person of suitable age, and in case of any legal disability of such owner to act thereupon, serving notice in like manner upon his or her guardian or person appointed to act for him or her, as hereinafter directed. And in case any of said owners do not reside in this State, such notice shall be given them by publishing the same for four weeks successively in two newspapers published in said city. And if any of said owners shall be married women, insane, infants or idiots, the judge shall appoint some suitable person to attend in their behalf before said commissioners, and take care of their interest in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they may administer the usual oaths to such witnesses. They shall make a written

report of all their proceedings within ten days after the hearing before them, showing the sum awarded to each owner or any other person, and return the same to the said judge to be filed on record in the Oswego county clerk's office. The company shall pay to each commissioner the sum of two dollars per day for each day necessarily spent by him in the performance of his duties under this act, and to each witness sworn and testifying, who the commissioners shall certify were properly subpoenaed, the same fees as allowed in a court of record.

§ 11. The said company, or any party to the proceedings, may appeal from any award or determination, provided the party appealing shall, within ten days after such award or determination shall be made, and notice thereof be served on him or them of the appeal; the said judge shall, upon the report of the commissioners, and upon the additional testimony to be taken by them, if he deems the same to be necessary, proceed to hear said appeals, and may confirm the proceedings of the commissioners, in whole or part, or may increase or diminish the amount of compensation awarded by the said commissioners; and if their proceedings in any case have been irregular, the judge may set the same aside and order new proceedings and appraisal, and the said judge may make such orders in reference to the proceedings of the commissioners and of the notices to be given to parties, as may not be inconsistent with this act, and as the nature of the case and the interest of the parties may require.

Appeal
from pro-
ceedings.

§ 12. Upon the payment or legal tender of the compensation awarded by the said commissioners, or (in case of an appeal) by the said judge, the company shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered as aforesaid, to hold and use the same for the said purposes to them and their successors forever. If any person to whom any compensation shall be awarded, or who shall be entitled to the same by virtue of said award, does not reside in this State, or shall refuse to receive the sum awarded him, then the said payment may be made by depositing the same to the credit of said person in such bank as may be designated by said judge. If the person to whom com-

When com-
pany may
enter upon
lands.

pensation is awarded, or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to his guardian or person appointed as aforesaid by said judge, and if said guardian or person appointed cannot be found by them, by depositing in bank as aforesaid.

Powers of
company.

§ 13. The said company shall also take and hold, for the purposes contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon, and take by virtue hereof. to them and their successors forever, and the said company shall have the right to take water from the Oswego river, free of charge, at or beyond the distance of one and a half miles above the iron bridge on Bridge street. in the city of Oswego, and may erect an aqueduct, bridge or such other structures in and across said river as may be found necessary for the purposes contemplated in this act, provided the same shall not obstruct or interfere with the navigation of the Oswego canal.

Regulations
of common
council.

§ 14. In laying pipes, conduits, or aqueducts, or constructing or erecting works in the streets, lands or public squares of the city of Oswego, the company shall conform to such reasonable regulations as the common council of said city shall prescribe.

Rules and
regulations
as to use of
water.

§ 15. The said directors of said company may establish rules and regulations for and concerning the conduct of all such persons as shall use the water from their works, so far as respects the preservation and restraining he waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not, in any case, exceed ten dollars, which penalties may be recovered with costs, in the name of the company, before any justice of the peace of the city of Oswego, or recorder of said city. Said rules and regulations shall be published, for two weeks successively, in two newspapers published in said city, and a copy of said rules and regulations, certified by the president of the company, with affidavits of the publication of the same made by any one of the publishers of said paper, shall be received as evidence in all courts and places.

Water to
extinguish
fires.

§ 16. The said company shall furnish water to the city of Oswego for the purpose of extinguishing fires, upon

such terms as may be agreed upon between them and the common council of said city, and the said common council are hereby authorized to contract with said company for water, for the purpose of extinguishing fires, constructing fountains and furnishing public buildings, and to levy and assess the cost thereof, annually, upon the taxable property of said city by general tax. And the said company may make any agreements, contracts, grants and leases for the sale, use and distribution of water, that may be agreed upon between said company and any person or persons, associations and corporations, which agreements, contracts, grants and leases shall be valid and effectual in law.

Agree-
ments for
use of water

§ 17. Any person who shall willfully or maliciously destroy or injure any of the works or property of said company shall be deemed guilty of a misdemeanor, and may be punished by fine or imprisonment, or both, in the discretion of the court, and shall also forfeit and pay to the company treble the damages sustained thereby, to be recovered in any court having cognizance thereof, with costs.

Punish-
ment for
injuring
works of
company.

§ 18. The corporation hereby created shall possess the powers and be subject to the provisions of title three, chapter eighteen, of the first part of the Revised Statutes, so far as the same are applicable, and not otherwise provided for in this act.

Revised
Statutes
applied.

§ 19. The stockholders of the company hereby created shall be individually liable for the payment of the debts of the said company to an amount equal to the amount of stock held by them respectively, until the whole amount of capital stock so fixed and prescribed as above shall have been paid in, and any stockholder who may have paid any demands against said company, either voluntarily or by compulsion, shall have a right to resort to the other stockholders who were liable to contribution.

Liability of
stockhold-
ers.

§ 20. No person holding stock in said company, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally liable as stockholders of said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as stockholders accordingly; and the estate and funds in the hands of such executor, administrator, guardian or trustee, shall be

1b.

liable in like manner, and to the same extent as the testator or intestate, or the ward or person interested in such fund would have been if he had been living and competent to act and held the stock in his own name.

Increase of
capital.

§ 21. If the directors shall at any time after the organization of said company, determine to increase the capital stock, as herein provided, the said new stock shall be divided among the stockholders in proportion to the amount held by them respectively, at the time of such increase, as they shall severally elect, and in case the same shall not be so distributed, then books of subscription for the balance of said additional stock shall be opened in the same manner as provided in section three of this act, and the said directors may require payment of the subscription to the said additional stock, in the same manner as provided in section six of this act.

May bor-
row money.

§ 22. The said corporation may borrow such sum or sums of money as may be necessary to complete said work, and for other purposes authorized by this act, in the whole not to exceed the amount of capital stock actually paid in and expended, and for that purpose may issue and dispose of their bonds for any amount so borrowed, and the company is hereby authorized to mortgage any or all of their corporate property and privileges to secure the payment of such bonds; and the said directors may confer on the holder of any bond they may issue for any money so borrowed, the right to convert the principal due thereon into stock of the said corporation, at any time, not exceeding five years from the date of said bond, under such regulations as the directors may see fit to adopt; and for such purpose the said corporation are authorized to increase its capital stock to the amount so borrowed, whenever the persons, or any of them, to whom such money is due, shall elect to convert the same into stock; but nothing herein contained shall be construed to authorize an increase of the capital stock of said company beyond the sum of one hundred and fifty thousand dollars.

Chap. 398.**AN ACT for the relief of the Poughkeepsie and New Paltz Ferry Company.**

Passed May 4, 1863.

The People of the State of New York, represented in Senate and Assembly do enact as follows :

SECTION 1. The Poughkeepsie and New Paltz Ferry Company are authorized to apply to the county court of Dutchess or Ulster county to modify and fix the rates of ferriage charged by them, and to reduce the same as now established by the order made in the years eighteen hundred and twenty and eighteen hundred and forty-two, by the court of common pleas of Dutchess county, to Federal currency.

§ 2. Before making such application the said company shall publish notice of the time and place of making the same, in some public newspaper printed in one of said counties, for once a week for at least three weeks successively, and shall prove such publication to the court to which such application is made.

§ 3. Any order of such court upon any such application shall be and continue in force until the same shall be rescinded by the said court upon a similar application and notice, and it shall not be lawful for said company to ask or receive any greater or other fare or ferriage thereafter than such as shall be fixed by such orders of the said court.

§ 4. This act shall take effect immediately.

Chap. 399.

AN ACT incorporating the Brunswick and Pittstown Turnpike Company, passed April the eighteenth, eighteen hundred and thirty-one, amending said entitled act passed March thirty-first, eighteen hundred and thirty-four.

Passed May 4, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The fifth section of the act entitled "An act incorporating the Brunswick and Pittstown Turnpike Company," passed April the eighteenth, eighteen hundred and thirty-one, and the fourth section of the act amending said entitled act, passed March thirty-first, eighteen hundred and thirty-four, are hereby so amended as to read as follows: The said Brunswick and Pittstown turnpike company may erect and keep on the road of said company one toll-gate, at which they shall be entitled to exact and receive from all persons passing the same tolls, not exceeding the following rates, that is to say, for every wagon drawn by two horses, six cents, and for every additional horse, two cents. for every one horse wagon or cart drawn by one horse, four cents, and for every additional horse, two cents; and for every coach, pleasure carriage drawn by two horses, eight cents, and for every additional horse, two cents; for every stage, wagon, or other carriage for the transportation of passengers, drawn by two horses, eight cents, for every additional horse, two cents; for every chair chaise or other pleasure carriage drawn by one horse, four cents; for every cart drawn by two oxen, six cents, for every additional ox or horse, two cents; for every horse and rider, two cents, for every additional horse led by such rider, two cents; for every sled or sleigh drawn by two horses, mules or oxen, three cents, and for every additional horse, mule or ox, two cents; for every sled or sleigh drawn by one horse, two cents; for every score of cattle, horses or mules, ten cents; for every score of hogs or sheep, three cents; and in like proportion for any greater or less number of cattle, horses, mules, hogs or sheep. And it

shall be lawful for said company to erect and keep on said road two gates, the second gate to be erected east of the Methodist church in the village of Millville, for the collection of the tolls hereby granted, provided, that if the said company keeps two gates, the tolls taken at each gate, for those who go through both gates, shall not exceed one-half the rates above; and for those who go through but one of such gates, the tolls shall be for every wagon drawn by two horses, four cents, and for every additional horse, two cents; and for every cart drawn by two oxen, four cents, and for every additional ox or horse, two cents; for every sled or sleigh drawn by two horses, mules or oxen, two cents, for every additional horse, mule or ox, two cents; for every sled or sleigh drawn by one horse, one cent; and when half tolls would make a fraction of a cent, said company may take the additional fraction to make it another cent.

§ 2. This act shall take effect immediately.

Chap. 400.

AN ACT to amend section thirty-six of title four, chapter six, part second of the Revised Statutes, "Of sales of real estate by Executors and Administrators."

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-six of title four, chapter six, part second of the Revised Statutes, is hereby amended so as to read as follows:

§ 36. The surrogate shall, in the first place, pay out of the said moneys the charges and expenses of the sale; he shall next satisfy any claim of dower which the widow of the testator or intestate may have upon the lands so sold, by the payment of such sum, in gross, as shall be deemed, upon the principles of law, applicable to annuities, a reasonable satisfaction for such claim, if the widow shall consent to accept such sum in lieu of her dower, by an instrument under seal, duly acknowledged or proved, in the same manner as deeds entitled to

be recorded, and then from the residue he shall pay any sum which may have been found due to the executors or administrators upon the settlement of their accounts after applying thereon, the proceeds of the personal estate of the testator or intestate.

§ 2. This act shall take effect immediately.

Chap. 401.

AN ACT to establish a law library for the eighth judicial district in the city of Buffalo.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be a law library located at the city of Buffalo, which shall be known as the law library of the eighth judicial district.

Care of
library.

§ 2 The said library shall be under the care and management of the trustees of the Grosvenor library, subject, however, to such orders, rules and regulations touching the same, as may be made from time to time by a majority of the justices of the supreme court residing in said district. All appropriations made for said library shall be paid to the said trustees, to be by them disbursed in the purchase of books for said library. The said trustees may make rules and regulations for the management and protection of said library, and prescribe penalties for the violation thereof; they may sue for and recover such penalties, and may maintain actions for injuries to said library; they may procure proper furniture for said library, hire suitable rooms, employ a librarian, provide fuel and lights, and defray all the incidental expenses of the care and management of said library; they shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of supervisors of Erie county, who shall pay the same. They shall yearly make a report to the regents of the university, of the state of said library.

Librarians
to report to
trustees.

§ 3. The librarian or person in charge of the several libraries belonging to the State, except the State library at Albany, shall, without delay, report to the said trus-

tees what duplicates of law books are in such library, and upon the request of such trustees shall deliver one of such duplicates to them for the use of the library hereby established, except such duplicates as may be kept for the exclusive use of the court of appeals or the members thereof. The trustees of the State library are hereby authorized to place in the library hereby founded any duplicates of books in their possession which they may deem proper.

§ 4. Any person who shall willfully injure any of the books, furniture or property of said library shall be guilty of a misdemeanor. Injury to books.

§ 5. The sum of five thousand dollars is hereby appropriated to the use of the said library, which sum the Treasurer is hereby required to pay on the warrant of the Comptroller. \$5,000 appropriated

§ 6. This act shall take effect immediately.

Chap. 402.

AN ACT for the relief of certain firemen attached to fire engine number one in the village of Canandaigua.

Passed May 4, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All persons who are now members of fire engine company number one in the village of Canandaigua, in this State, and who have acted as such firemen since the twenty-second day of November, eighteen hundred and sixty-one, or since the third day of January, eighteen hundred and sixty-two, pursuant to resolutions of the board of trustees of said village of those dates, shall be allowed the time they have so acted upon their terms of service as such firemen respectively.

§ 2. This act shall take effect immediately.

Chap. 403.

AN ACT in relation to the grant of letters of administration upon the estates of non-residents.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the will of a testator or testatrix, domiciled without this State at the time of his or her death, shall have been admitted to probate within this State, on the production of an exemplification of the foreign record thereof, or otherwise, and whenever administration on the estate of an intestate so domiciled shall have been granted by competent authority, in the State or country of such domicil, letters testamentary or of administration, on such estate, may be granted within this State by the surrogate by whom such will shall have been so admitted to probate, or by any other surrogate having jurisdiction, to the executors, administrators or other person or persons entitled to the possession of the personal estate in the State or country of such domicil, or to any person or persons authorized by him or them to receive the same, upon such amount of security only as may be required by such surrogate, in his discretion, to be given in consideration of the probable amount of debts due or owing by the decedent to residents of this State, to be proved to his satisfaction and as in his judgment may be sufficient to secure the payment of such debts.

§ 2. Prior to granting such letters, such surrogate shall cause notice to be published of the application therefor, and of the time fixed for hearing the same, once in each week for the period of six months, in the State paper and in a newspaper published in the county of such surrogate, proof of which publication shall be filed with the said surrogate.

§ 3. The surrogate shall examine the party applying for such letters, or his agent, on oath, as to the creditors of the deceased, residing in this State, and if any such creditors are found to reside within this State, they shall be cited to appear before such surrogate on the granting of such administration, which citation shall be served in

the like manner as citations are required to be served on the proof of wills, at least thirty days before the day specified in the said notice so required to be published, as aforesaid, proof of which service shall be filed with the said surrogate.

§ 4. This act shall take effect immediately.

Chap. 404.

AN ACT in regard to certain officers in the several counties of this State.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each officer in the several counties of this State, who shall receive any money on account of any fine or penalty or other matter, in which his county, or any town or city therein, shall have an interest, shall make a report in writing, every year, bearing date the first day of November, in which he shall state particularly the time when and the name of the person or persons from whom such money has been received, and also the amount and on what account the same was received, which report shall include all receipts of moneys before mentioned that he has received during the year next preceding the date of his report, which report shall be made to the board of supervisors of his county, duly verified by oath, and filed with the clerk of said board, on or before the fifth day of November in each and every year.

All county officers receiving money to make annual report of same.

§ 2. Each officer who shall have received such moneys as provided in the preceding section of this act shall, within ninety days after the receipt thereof, pay the whole amount so received, without any deductions for costs or charges in collecting the same, to the treasurer of his county, who shall give to such person duplicate receipts therefor, one of which receipts shall be attached to the annual report to the board of supervisors hereinbefore provided to be made; provided, that nothing in the preceding section contained shall be construed to apply to moneys received by any town or city officer in

Officers to pay moneys to county treasurer in ninety days after receipt of same.

his official capacity as such town or city officer, specially appropriated for any town or city purpose.

Duty of
district
attorney.

§ 3. It shall be the duty of the district attorney of the several counties of this State, to sue for and recover in behalf of and in the name of his county, the money received by any officer for or on account of such county or any town or city therein, and not paid to the county treasurer of such county as provided in the preceding section of this act.

Disposition
of moneys.

§ 4. All moneys belonging to any town or city in such county, which shall be received by the county treasurer, shall be distributed to the several towns or cities entitled to the same, by resolutions passed by a majority of the board of supervisors at any legal meeting thereof, which resolutions shall be entered at length in the minutes of the proceedings of said board.

Neglect of
officer a
misdemean-
or.

§ 5. Each officer of the several counties of this State, who shall neglect or refuse to make the report, or pay over moneys received by him, as provided in sections one, two and three of this act, shall be deemed guilty of a misdemeanor.

§ 6. This act shall take effect immediately.

Chap. 405.

AN ACT to authorize the trustees of the First Baptist Church of the town of Harpersfield to sell and dispose of the church belonging to the society, and to use the avails, with the other funds belonging to the society, in procuring a site, and erecting thereon a church.

Passed May 4. 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the First Baptist church in the town of Harpersfield, through their trustees, to sell and dispose of their old church, and all lands or right to lands now belonging to them, and the trustees shall use the avails, together with the funds now belonging to the society, in procuring a new site, and in erecting thereon a church, to be located in the town of Har-

persfield, or in the village of Stamford, as the members of the church may elect.

§ 2. This act shall take effect immediately.

Chap. 406.

AN ACT authorizing the construction of a railroad from Geddes to Syracuse, in the county of Onondaga.

Passed May 4, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for Alfred H. Hovey, Edward B. Wicks, William D. Stewart, Harvey Stewart, John W. Barker, Daniel P. Wood, Archibald C. Powell, Daniel Bookstaver and Gershon P. Kenyon, and those who may be now or hereafter associated with them, to lay a railroad track, with the necessary turnouts in and through certain streets in the city of Syracuse and the town of Geddes, commencing in the village of Geddes at the intersection of Furnace street with Bridge street; thence southerly on Furnace street to Hemlock or Syracuse street; thence southeasterly on Hemlock and Syracuse street to Fayette street in the city of Syracuse; thence on Fayette street to Salina street.

Grantees.

§ 2. The track of said road shall be laid of such rails as shall least obstruct the free passage of vehicles and carriages over the same, and the same shall be laid flush with the surface of the street and shall conform to the grade as it now is, or as it shall be from time to time established or altered; and the said grantees shall keep the surface of the street inside the rails and for one foot outside thereof, in good and proper order and repair.

Manner of laying track

§ 3. The cars to be used on said railroad shall be drawn by horses or dummy engines, and shall be run as often as the public interest shall require.

Horses or dummy engines to be used.

§ 4. Said road shall be completed within three years from the passage of this act, and the powers and privileges hereby granted are limited to the period of fifty years.

Completion of road.

Rate of fare.

§ 5. No greater amount than six cents each shall be charged passengers for riding any distance over said road.

May organize under act of 1860.

§ 6. It shall be lawful for said grantees and their associates to organize under an act of the legislature entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and in the event of such organization all of the provisions of said last mentioned act, except the number of persons designated in the first section thereof, and except the number of directors which may be five instead of thirteen, shall apply to said grantees and their associates; also except the provisions of sections twenty-seven, thirty-one, thirty-two, thirty-eight, thirty-nine, forty, forty-one and forty-four of said act.

Consent of common council.

§ 7. The said grantees and their associates shall not be authorized to lay the said track without first obtaining the consent of the common council of the city of Syracuse, and also the consent of the trustees of the village of Geddes.

§ 8. This act shall take effect immediately.

Chap. 407.

AN ACT to confer all the corporate powers and franchise of the Blenheim Bridge Company on Hezekiah Dickerman, and his successors in interest.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the corporate powers and franchise heretofore possessed and enjoyed by the Blenheim Bridge Company are hereby declared to be transferred to and vested in Hezekiah Dickerman.

§ 2. The said Hezekiah Dickerman, his heirs, assigns and successors in interest, may, in his or their name, sue and be sued in relation to any matter connected with or growing out of the powers, privileges and franchises of said bridge company, and may avail himself or themselves of all acts and parts of acts of the legislature and board of supervisors relating to said bridge company, with the

same force and effect as the president and directors of said company could have done before the sale of said bridge to said Dickerman.

§ 3. All acts and parts of acts relating to said corporation, not inconsistent with the provisions of this act, are hereby declared to be applicable to and to enure to the benefit of the said Hezekiah Dickerman, and his successors in interest.

§ 4. This act shall take effect immediately.

Chap. 408.

AN ACT releasing all the right, title and interest of the people of the State of New York, in and to certain tracts of land, to Frederick Crocker.

Passed May 4, 1863 ; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest of the people of the State of New York, in and to the following described tracts of land, viz: " All that certain lot of land lying in the city of Brooklyn, county of Kings, and State of New York, described on the map of the property of Samuel Jones, made by Jeremiah Lott, Esq., and filed in the office of the clerk of the county of Kings, by lot number twenty-four, bounded westerly in front by Navy street; northerly by lot number twenty-five on said map; easterly, by lot number thirteen, and southerly by lot number twenty-three, and containing in width, in front and rear, twenty-five feet, and in length on each side, one hundred feet. Also, that certain lot of land lying in the village of Sag Harbor, town of Southampton, Suffolk county, and State of New York, bounded north by land of the heirs of Robert Roberts, deceased; east by the ' Otter pond ;' south by land of the heirs of Robert Roberts, deceased; and west by the Sag Harbor and Bridge Hampton turnpike road, being one hundred feet in front and rear, and being lots number three and four south of the ' Otter pond' bridge, and extending in depth from said turnpike road to the said pond. Also, all that certain lot of land, situate and being in the village of

Sag Harbor, town of Southampton, Suffolk county, and State of New York, bounded easterly by Main street, sixty feet in front; southerly by land of Frederick Crocker, one hundred and twenty feet; westerly by land of Jesse R. Halsey, sixty feet; and northerly by land of said Jesse R. Halsey, one hundred and twenty feet," is hereby released to Frederick Crocker, his heirs and assigns forever.

§ 2. This act shall not apply to, nor in any way affect the right of any judgment creditor, mortgagee, or any other person who may have any legal or equitable claim upon said lands, excepting as aforesaid.

§ 3. This act shall take effect immediately.

Chap. 409.

AN ACT supplementary and amendatory of chapter three hundred and ninety-seven of the Laws of eighteen hundred and sixty-two, relating to the auditing of military accounts.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All military accounts and claims against the State, which have accrued or may accrue in the organization, pay, equipment, quartering, subsistence and other proper expenses of troops raised for the service of the United States since the first day of June, eighteen hundred and sixty-one, may be audited under the provisions of chapter three hundred and ninety-seven of the Laws of eighteen hundred and sixty-two, and paid from the appropriations made by that act.

§ 2. All proper expenses of the auditing board, created pursuant to chapter three hundred and ninety-seven of the laws of eighteen hundred and sixty-two, may be paid from the appropriation made in said act, on the certificate of said board that such expenses were necessary for the proper discharge of their duties.

Chap. 410.

AN ACT to amend an act entitled "An act in relation to the draining of certain lands in the town of Preble, county of Cortland," passed April eight, eighteen hundred and sixty-one.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act entitled "An act in relation to the draining of certain lands in the town of Preble, county of Cortland," passed April eight, eighteen hundred and sixty-one, is hereby amended so as to read as follows :

§ 1. James Barman, Stephen Daley, and Matthias Van Hoesen, of the town of Preble, county of Cortland, shall be commissioners for the purpose of draining the wet lands situated on lots numbers seventy-seven, seventy-eight, eighty-seven and eighty-eight, in the town of Preble, in the county of Cortland, by removing the flood-wood, sand bars, and other obstructions in the Tioughnioga river, between the stone bridge crossing said river near the dwelling house of R. S. Van Hoesen, on lot number eighty-eight, and the north line of lots numbers seventy-seven and seventy-eight, in said town, and by causing such ditch or ditches to be cut of such length and capacity as shall, in their judgment, be sufficient to properly drain said wet lands. The work provided for in this section shall be commenced and completed by said commissioners as soon as may be practicable after the passage of this act.

Commissioners and their powers.

§ 2. The third section of said act is hereby amended so as to read as follows :

§ 3. It shall be the duty of said commissioners to cause a survey and map of said wet lands to be made by a competent surveyor, exhibiting the quantity of each of the tracts of land belonging to the different persons interested therein. It shall also be the duty of said commissioners to estimate the costs and expenses of such survey and incident to the removal of said flood-wood, sand bars, and other obstructions in said river between the points named

Duties of commissioners.

in section one of this act, and the costs and expenses of cutting said ditch or ditches and to assess and apportion the amount of costs and expenses upon the lands which shall be in any wise benefited or made more valuable by reason of such drainage, as said commissioners shall think reasonable and just, having reference to the amount of the benefit and additional value caused to said lands thereby, and to cause a copy of such assessment and a map of the lands assessed, to be filed in the office of the clerk of Cortland county, and also to cause a copy of said assessment to be published in some newspaper published in the county of Cortland, at least once in each week for six successive weeks, together with a notice specifying the time and place at which they will attend and receive payment of such assessment. In case such estimate and assessment shall not be found sufficient to pay all the costs and expenses incurred by said commissioners under this act, they shall, upon the completion of their labor of draining the aforesaid lands, make another assessment, and shall in all respects, in making and collecting said assessment, pursue the course prescribed in this act for making and collecting the first assessment hereinbefore provided for in relation to said work.

§ 3. The fourth section of said act is hereby amended so as to read as follows:

Lands may
be sold to
pay assess-
ments.

§ 4. If any assessment shall remain unpaid for thirty days after the expiration of the time of attendance of said commissioners to receive payment as hereinbefore provided, it shall be the duty of said commissioners to cause a notice to be published, once in each week for six successive weeks, in some newspaper printed in the county of Cortland, stating the amount of such assessment and the expenses of such notice and advertising such lands for sale to pay such assessment, and appointing a day on which the said commissioners or one of them will attend at the time and place designated in such notice and sell at public vendue so much of said lands as shall be necessary to pay such assessment and the expenses of said sale; and the said commissioners shall give to the purchaser of any such lands a certificate of sale duly acknowledged by them, and such sale and certificate after six months personal notice, shall vest the fee of such lands in the purchaser. The owner or owners of any

such lands or any such parts thereof as may be sold according to the provisions of this section may redeem the same at any time within two years after the day of such sale, by paying to said commissioners or either of them, for the use of the purchaser, his heirs or assigns, the sum mentioned in his certificate, with interest thereon at the rate of ten per cent per annum from the date of such certificate. If the said lands shall not be redeemed as above provided the fee thereof shall become absolute in the holder of such certificate of sale.

§ 4. For any private property taken for the purpose of this work, the said commissioners shall make just compensation, provided they can agree with the owner or owners thereof upon such compensation; and if they shall be unable to agree with such owner or owners upon the amount to be paid for said private property so taken, said commissioners shall apply to the county court of the county of Cortland, and said court shall, thereupon, appoint three competent and disinterested persons to appraise the value of said private property so taken, and their appraisal thereof shall be final and conclusive. The amount of such appraisal and all costs attending the same, and all sums agreed to be paid by said commissioners for draining said lands, as a compensation for private property taken for the purposes of this work, shall be certified by the county judge of Cortland county, and when so certified shall be assessed and collected as part of the expenses of the drainage authorized by this act. The commissioners to be appointed as hereinbefore provided for appraising the value of any private property taken for the purposes of this act, shall receive the sum of one dollar and twenty-five cents per day for the time spent by them in such appraisal.

Compensation for private property.

§ 5. In case any person affected by said improvement shall deem himself aggrieved by the assessment therefor made by said commissioners, such person may, within thirty days after the first publication of said assessment, as in this act provided, appeal therefrom to the county court of Cortland county, and such court shall, thereupon, upon notice to said commissioners, appoint three other disinterested persons commissioners to re-assess the expenses of said improvement; and such commissioners shall, upon oath, re-assess such expenses, and shall file a

Appeal from assessment to county court.

copy of their assessment in the office of the clerk of the county of Cortland, within thirty days after their appointment, and when so filed the commissioners appointed by the first section of this act, shall enforce the same as hereinbefore provided in this act.

§ 6. Section six of said act is hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 411.

AN ACT authorizing the Canal Commissioners to construct new bridges over the side-cuts to the canals in the village of West Troy.

Passed May 4, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal commissioners are hereby authorized to construct two new iron road bridges, with sidewalks, over the side-cuts in the village of West Troy, in place of the present ones, said bridges to be constructed in such manner as the said commissioners may deem for the best interests of the State, to be paid from any moneys appropriated to the eastern division of the canals to the repairs of the Erie canal ; provided, that safety to public travel require the present bridges over said side-cuts to be rebuilt : and if the board of canal commissioners shall decide that the public interest would be promoted by rebuilding said bridges of iron, in place of the material used in the present bridges, the increased cost of rebuilding said bridges of iron shall be paid by the State out of any money appropriated to ordinary repairs of the canals, and the balance, being the cost of rebuilding said bridges according to their present plan, shall be charged to the repair contractor on the section of the canal on which these bridges are situated.

§ 2. This act shall take effect immediately.

Chap. 412.

AN ACT to amend the statutes in relation to pilotage in the harbor of New York.

Passed May 4, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the commissioners of pilots in the city of New York, within sixty days after the passage of this act, to make full returns to the comptroller of all fines and penalties recovered by them, together with a full and correct statement of the application made of the moneys so recovered, and, in particular, all sums paid by them, from time to time, into the treasury of this State, and such amounts as are still due. Any action or proceeding in which said commissioners of pilots are parties, shall have a preference in all the courts of this State, except in the supreme court and the court of appeals, and may be moved on the part of said commissioners out of its order on the calendar in like manner as is provided in and by chapter thirty-seven of the Laws of eighteen hundred and fifty-eight, in respect to the action therein mentioned.

§ 2. All acts and parts of acts authorizing or requiring the payment of compensation to the commissioners of pilots, from the treasury of the State, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 413.

AN ACT to amend an act passed April tenth, eighteen hundred and fifty-five, entitled "An act to amend an act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city," passed March twenty-seventh, eighteen hundred and forty-nine.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of the act entitled "An act to amend an act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city," passed April tenth, eighteen hundred and fifty-five, is hereby amended so as to read as follows:

§ 10. The district attorney of the county of Albany may appoint an assistant, who shall hold his office during the pleasure of said district attorney, and the board of supervisors of Albany county shall allow and pay said assistant a salary of one thousand dollars per annum, for his services, and it shall not be lawful for said board of supervisors to make any extra or additional allowance to said assistant district attorney for services performed by him other than those specified in this act.

§ 2. This act shall take effect immediately.

Chap. 414.

AN ACT to amend an act entitled "An act to provide for the laying out and constructing the Colton and Long Lake road," passed June twenty-third eighteen hundred and fifty-one; and to repeal an act authorizing the construction of the Parishville and Long Lake road.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seven of the act to provide for the laying out and constructing the Colton and Long Lake road, passed June twenty-third, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

§ 7. This act shall take effect immediately and continue in force twenty years.

§ 2. The act entitled "An act to provide for the laying out and constructing a road from the town of Parishville to Long Lake," passed March twenty-third, eighteen hundred and fifty-three, and the acts reviving or amending the same are hereby repealed.

§ 3. Township number nine, of great lot number two, Macombs' purchase in St. Lawrence county, is hereby constituted part of the road district of said Colton and Long Lake road; and townships number eight and twelve, and the east half of township number eleven of said great lot, are hereby constituted part of the road district of the town of Hopkinton in said county, and all highway taxes paid or collected therein, shall become highway moneys of said town, to be expended by the highway commissioners of said town in constructing or repairing roads and bridges.

§ 4. This act shall take effect immediately.

Chap. 415.

AN ACT to amend section first of chapter four hundred and seventeen of the Laws of eighteen hundred and sixty-two.

Passed May 4, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1, of
chap. 417,
amended.

SECTION 1. Section first of chapter four hundred and seventeen of the Laws of eighteen hundred and sixty-two, is hereby amended by striking out the word "thirteen" in the first line thereof, and inserting the word "twelve" in the place thereof.

§ 2. Section two of said act is hereby amended so as to read as follows :

Convicts
may earn
commuta-
tion of sen-
tence.

§ 2. Every convict confined in any State prison in this State and every convict confined in any penitentiary in this State, under sentence on conviction for a felony, may earn for himself a commutation or diminution of the term of his sentence, subject to the provisions of section four hereof, and in the manner following: If he shall diligently work the number of hours prescribed by the rules of the prison or penitentiary during each day that he is ordered to work, for the space of one month, and if he shall well obey the rules and quietly submit to the discipline of the prison or penitentiary for the space of one month, he shall be entitled, for every period of one month for which he shall so work, obey and submit, to a commutation or deduction from the term for which he has been sentenced of one day, unless he shall subsequently forfeit the same by an assault upon his keeper or any foreman or convict, or otherwise endanger life, or by other flagrant disregard of the rules of the prison, in which case all previous commutations earned by him shall be wholly forfeited ; but such shall not be the effect in cases where, without any violence whatever, a rule or rules shall be broken by him, and it is clear that no wilfulness or malice was intended. If he shall so work and obey, as above, and submit, for the space of six or more successive months, he shall be entitled, for every one of said six or more successive months, to a commutation or

Regulations
concerning
work and
behavior.

deduction from the term for which he was sentenced of two days. The provisions of this section are hereby declared to apply to those convicts serving as waiters and cooks in and about the prisons. During the period that convicts are confined to the prison hospitals, if dutiful to the rules thereof, time, as contemplated by this section, shall not be counted either for or against the convict; and for a period of three consecutive months or more before confinement in hospital and an additional period of consecutive time after discharge therefrom, together sufficient to make six months, shall be counted as six successive months, the same as if no time had been passed in hospital, if the convict, during the entire period, shall have fulfilled all the requirements of this section. The provisions of this section shall, so far as they are applicable, apply to female prisoners confined in any State prison of this State, or in any penitentiary therein, and also to any prisoner confined in any State prison of this State or in any penitentiary therein, for whom the agent or other officer of said State prison has no work at which to put him under any contract for the labor of convicts; provided, however that the provisions of this act shall not affect the case of any person who shall be under a sentence of imprisonment for the term of his natural life.

§ 3. Section fourth of said act is hereby amended so as to read as follows:

§ 4. It shall be the duty of the keepers and matron of each state prison and penitentiary in this State, to keep such record, day by day, of the manner of working each convict therein to whom the provisions of this act shall be applicable, and of his or her conduct therein, as shall show what convicts have fulfilled the requirements of the second section thereof, and each of such keepers or matron shall report such record at the end of each month to the agent or principal keeper of the prison or penitentiary, and it shall be the duty of the agent or principal keeper of such State prison or penitentiary to preserve such record, and he shall, not more than thirty days before the term of each convict expires, as diminished by said record, transmit to the Governor a certificate and report, showing that it appears from the record kept by the keepers of the prison, of the manner of working and of the daily conduct of each convict confined therein, duly

Keepers and matrons to keep record of work and manner of doing it, and report same.

preserved by him as required by law, that the convict has diligently worked the number of hours prescribed by the rules of the prison, during each day that he or she has been ordered to work, for the space of six or more successive months, or otherwise, as the case may be, and that he or she has well obeyed the rules and strictly submitted to the discipline of the prison for the space of six or more successive months, or otherwise, as the case may be, and that the convict has fulfilled all the requirements of section two of this act. Such certificate and report shall give the name of the convict, the county where convicted, the crime, the date of conviction, at what court, by whom held, the date of sentence, the term of sentence, and the time the convict was received at the prison; and the Governor of the State of New York may thereupon, in his discretion, direct the abatement or deduction of the term of the sentence of said convict of the number of days of commutation or diminution thereof, which said convict shall have earned.

§ 4. Section fifth of said act is hereby amended so as to read as follows:

§ 5. The funds arising from the fees charged to visitors at the state prisons may be applied, under the direction of the inspectors of state prisons, and the fees charged to visitors at the penitentiaries may, in like manner, be applied, under the direction of the board or committee charged with the general management thereof, by the warden, superintendent or other officer having charge of any state prison or penitentiary, for the use and benefit of convicts upon their discharge, in addition to the amount now allowed by law; and also on the condition that the allowance of such additional sum shall be the good behavior of the convict, from and after the passage of this act.

Fees received of visitors at state prisons and penitentiaries applied to use of discharged convicts.

Chap. 416.

AN ACT to authorize Peter S. Denny and Philo Sherwood, of Dutchess county, and their successors to take and hold certain property, real and personal, devised and bequeathed by the last will and testament of Theodore A. Schultz, and to hold the same for the purposes in said will mentioned.

Passed May 4, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Peter S. Denny, of Clinton, and Philo Sherwood, of Milan, both of the county of Dutchess, and their successors are hereby authorized to take the bequest and devise to the said Peter S. Denny and Philo Sherwood mentioned in the last will and testament of Theodore A. Schultz, deceased, late of the town of Clinton aforesaid, and to hold the same in trust for and to use and improve the same for the uses and purposes mentioned in the eighth item of the said last will and testament.

§ 2. The said Peter S. Denny and Philo Sherwood, or the survivors of them, shall have the power by instrument in writing, to nominate and appoint their successors, who shall forever hereafter, when so appointed and acting in their office, have the right of nomination and appointment as herein provided.

§ 3. Nothing herein contained shall be held to affirm the validity of the said last will or testament, or of any provisions thereof.

§ 4. This act shall take effect immediately.

Chap. 417.

AN ACT legalizing and confirming a certain deed executed by Almon Crippin to William. Hunt, and a certain mortgage executed by William Hunt to Almon Crippin, and for other purposes.

Passed May 4, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The mortgage of real estate made and executed by William Hunt, an alien, now deceased, to Almon Crippin, bearing date the twenty-fourth day of June, eighteen hundred and forty-six; and recorded in the clerk's office of Saratoga county, in book of mortgages number thirty-four, page ninety-four, and in which is described certain real estate in the village of Ballston Springs, county of Saratoga, is hereby declared to be as effectual and valid as if the said William Hunt had been a citizen of the United States when he executed the same, but nothing herein contained shall be taken and construed to do more than to relieve the said mortgage from any invalidity attaching thereto by reason of the said Hunt being an alien, and the said mortgage is left by this act subject to all defenses and objections thereto save the said alienage.

§ 2. The deed made and executed by the said Almon Crippin to the said William Hunt, previous to the giving of said mortgage, purporting to convey the said real estate described in said mortgage to the said William Hunt, is hereby declared to be as effectual and valid for all purposes whatever, as if the said William Hunt had been a citizen of the United States, and the heirs of said William Hunt, if he have any, or those who would have been his heirs had he been a citizen of the United States, shall have the same rights in and to the said real estate described in said mortgage, and the equity of redemption thereof, as if the said William Hunt had always been a citizen of the United States. But nothing in this act contained shall affect the right of any creditors of or purchasers from the said William Hunt.

§ 3. This act shall take effect immediately.

Chap. 418.

AN ACT for the support of a training school for primary teachers.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer shall pay annually for two years, on the warrant of the Comptroller, to the order of the superintendent of public instruction, the sum of three thousand dollars, for the support of a training school in the city of Oswego for the preparation of primary teachers for the common schools of this State; provided that the citizens or the board of education in said city shall, within one year from the passage of this act, provide the necessary buildings, grounds and other accommodations and appliances for such school as directed by the superintendent of public instruction; and provided, further, that there shall be instructed in said school for a period of at least forty weeks in each year, not less than fifty teachers designing to teach in the common schools of this State; and provided, further, that each of the several senatorial districts of this State shall respectively be entitled to send annually to said training school two first class teachers, each to be appointed by the State superintendent of public instruction, after they have been duly recommended by two county school commissioners or by a city superintendent of schools, residing in the district for which the appointment is to be made; and all teachers thus appointed to said training school may receive instruction and training in everything that is taught in said school, free of charge for tuition.

Appropriation for school.

Proviso.

§ 2. The said school shall be subject to the supervision and general direction of the superintendent of public instruction; and the board of education of the city of Oswego, and the secretary of said board, shall constitute an executive committee for the immediate care, management and government of said school, with power to make all needful and proper rules and regulations concerning

Subject to superintendent of public instruction.

the same, subject to the approval of the superintendent of public instruction.

Executive
committee
to report to
legislature.

§ 3. The executive committee, as above constituted, shall annually transmit to the legislature, through the superintendent of public instruction, a report of their transactions under this act, including a statement in detail of the expenditure of all moneys, together with a statement of the progress and prospects of the school, which report shall first be approved by the superintendent of public instruction.

Date of
commence-
ment of
school.

§ 4. The first year of said school shall be deemed to commence on the day which the superintendent of public instruction shall certify to the comptroller as the day on which the requirements of the first section of this act, relative to providing the buildings and other appliances for the school shall have been complied with.

Apportion-
ment of ap-
propriation.

§ 5. If less than fifty teachers are instructed in said school as provided in the first section of this act, there shall be paid only a corresponding portion of the sum appropriated by this act.

§ 6. This act shall take effect immediately.

Chap. 419.

AN ACT authorizing the Canal Board to hear and determine the claims of John Fitzpatrick, contractor on the Chemung canal.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to hear and determine the claim of John Fitzpatrick, for labor done and materials furnished in the reconstruction of locks numbers nineteen, twenty-seven and thirty-one on the Chemung canal, particularly in the classification of materials used in said work, but in no case shall they allow any other or greater sum for the materials furnished and used in said locks than the sum named in the contract.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, to said John Fitzpatrick

the sum or sums which may be found his due, with the interest thereon, out of any moneys appropriated to rebuilding locks on the Chemung canal.

§ 3. This act shall take effect immediately.

Chap: 420.

AN ACT to amend the act entitled "An act for the relief of Ebenezer Murdock," passed April seventeenth, eighteen hundred and sixty-two.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and seventy-four, of the Laws of eighteen hundred and sixty-two, entitled "An act for the relief of Ebenezer Murdock," is hereby amended so as to read as follows:

The canal board are authorized and required to hear, investigate and decide upon the claims of Ebenezer Murdock for the appropriation of land alleged to have been taken for the enlargement of the Erie canal, and for damages (if any) caused by the removal or destruction of his buildings, by the enlargement of the Erie canal, opposite the lower lock, in the village of Lockport, Niagara county, and if upon examination it shall be ascertained that any damages have been sustained by him, for which the State is legally or justly liable, said canal board shall make an award for the same.

§ 2. The treasurer shall pay, on the warrant of the auditor, such sum (if any) as shall be awarded under the provisions of this act, out of any moneys appropriated or to be appropriated for canal awards, and the said auditor is authorized and directed to draw such order, upon such appraisal being made.

§ 3. This act shall take effect immediately.

Chap. 421.

AN ACT to provide for the appraisement and payment of canal damages sustained by Jane C. Wilson, Francis H. Rosseel, Charles Townsend, Charles Townsend, second, Louis Townsend, George Townsend, George Coit, Hiram E. Howard, and George Palmer, by reason of raising the canal bridge over the Erie canal on Prime street, in the city of Buffalo, Erie county, and by the raising of the grade of Prime street in said city.

Passed May 4, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal board to hear and determine the several claims, to wit : Jane C. Wilson, Francis H. Rosseel, Charles Townsend, Charles Townsend, second, Louis Townsend, George Townsend, George Coit, Hiram E. Howard, and George Palmer, for damages claimed to have been heretofore sustained by each of said persons severally, in consequence of the raising the canal bridge over the Erie canal on Prime street in the city of Buffalo, Erie county, and by the raising of the grade of Prime street in said city, and to make such award thereon as the State shall be legally and justly liable for.

§ 2. The treasurer shall pay on the warrant of the auditor of the canal department, such sum, if any, as shall be awarded and finally adjudicated as provided for by the preceding section of this act, out of any moneys in the treasury appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 422.

AN ACT to amend chapter four hundred and eighty-two of 'the Laws of one thousand eight hundred and sixty-two, in relation to liens on vessels.

Passed May 4. 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seventh of chapter four hundred and eighty-two of the Laws of one thousand eight hundred and sixty-two, is hereby amended by striking out of said section the word "eleventh," and inserting in place thereof the word "twelfth."

§ 2. The second section of the said chapter shall not apply to vessels navigating the western and northwestern lakes, or either or any of them. Any debt contracted by the master, owner, charterer, builder or consignee of any ship or vessel navigating such lakes or either of them, or by the agent of such master, owner, charterer, builder or consignee, shall cease to be a lien at the expiration of six months after the first day of January next succeeding the time such debt shall have been contracted, unless during the said six months, such ship or vessel shall be absent from the port at which such debt was contracted, in which case the said lien shall continue until the expiration of ten days after such ship or vessel shall next return to said port. In all cases such debt shall cease to be a lien upon such ship or vessel, unless the person having such debt shall, by the first Tuesday of February next succeeding the time such debt shall have been contracted, cause to be drawn up, verified and filed, specifications of such debt, in the form and comprising the statements prescribed by said chapter.

§ 3. This act shall take effect immediately.

Chap. 423.

AN ACT for the appraisal and payment of canal damages to Thomas Keeler.

Passed May 4, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to hear and determine, upon evidence such as they shall deem sufficient, on the claim of Thomas Keeler, for extra work done and expense incurred in building a canal bridge on section number twenty-eight of the Oswego canal, and which was rendered necessary by a change in the location of said bridge, by a resolution of the canal board passed February twenty-sixth, eighteen hundred and sixty-one, and after the said Keeler had entered upon the performance of his contract for building the same, and to award him such sum, if any, as he shall be legally and justly entitled to.

§ 2. The treasurer shall pay, on the warrant of the auditor, to said Keeler, such sum, if any, as may be awarded under this act, out of any moneys in the treasury appropriated or to be appropriated to the Oswego canal enlargement.

§ 3. This act shall take effect immediately.

Chap. 424.

AN ACT to incorporate the Leviathan Dock Company.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporators SECTION 1. Joseph W. Corlies, John Ericsson, Edward L. Corlies, John B. Kitching and Ariel Patterson, their associates and successors, are hereby constituted a body corporate by the name of the Leviathan Dock Company.

Capital. § 2. The capital stock of said company shall be one million five hundred thousand dollars, and may be in-

creased to any sum not exceeding two millions of dollars, to be divided into shares of five hundred dollars each, and said company may organize and commence business when two hundred thousand dollars are subscribed and paid in. Said stocks shall be considered personal property and shall be transferable on the books of said company.

§ 3. The business of said company shall be managed by five directors who shall be stockholders, and chosen annually by ballot. Each stockholder shall be personally liable to an amount equal to his stock for the debts and liabilities of the said company, and shall be entitled to one vote, either in person or by proxy, upon each share of stock held at least five days previous to such election. Directors.

§ 4. The directors shall appoint a president, a secretary and such other officers as shall be deemed necessary, who shall hold office for such a term as the directors shall appoint; and they shall make and ordain such by-laws and regulations as they may deem necessary and proper for the management of the business and accomplishing the purposes of the corporation. Officers.

§ 5. The persons named in the first section of this act shall constitute the first board of directors, and shall hold office for the term of two years from the date of the organization of said corporation, and until others are chosen in their places. In case any vacancy occurs in the board of directors, by reason of the death or resignation of any director, or of his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election or until some other person shall be elected to fill the same. The directors or any two or more of them shall be the inspectors of election of the company. If at any time an election of directors shall not take place at the time appointed, the corporation for that cause shall not be dissolved, but an election may be held on another day in such manner as shall be prescribed by the directors as provided in the by-laws. Term of office of directors and their election.

§ 6. The said corporation is hereby authorized and empowered to build, construct and erect in the city of New York and Brooklyn, a floating dry dock and to use the same for the purpose of raising vessels, and to conduct the general business of a floating dry dock company. Powers of corporation

§ 7. The corporation hereby created shall possess all the powers conferred, and be subject to all the restric- Revised Statutes applied.

tions imposed by title three, chapter eighteen of the first part of the Revised Statutes, entitled "Of the general powers, privileges and liabilities of corporations," so far as the same are applicable thereto.

§ 8. This act shall take effect immediately.

Chap. 425.

AN ACT to amend an act entitled "An act to provide for the enrollment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defense," passed April twenty-third, eighteen hundred and sixty-two.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of an act entitled "An act to provide for the enrollment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defense," passed April twenty-third, eighteen hundred and sixty-two, is hereby amended so as to read as follows :

Persons
subject to
military
duty.

§ 1. All able bodied white male citizens, and persons of foreign birth who shall have declared, on oath, their intention to become citizens under and in pursuance of the laws thereof, between the ages of eighteen and forty-five years, residing in this State and not exempted by the laws of the United States shall be subject to military duty, excepting :

Exceptions.

1. All persons in the army or navy and volunteer forces of the United States.

2. Persons who have been or hereafter shall be regularly and honorably discharged from the army or navy of the United States, in consequence of the performance of military duty, in pursuance of any law of this State, and such firemen as are now exempted by law.

3. The commissioned officers who shall have served as such in the militia of this State, or in any one of the United States, for the space of seven years ; but no officer shall be so exempt unless by his resignation after such term of

service duly accepted, or in some other lawful manner, he shall have been honorably discharged.

4. Every non-commissioned officer, musician and private, of every uniform company or troop raised or hereafter to be raised, who has or shall hereafter uniform himself according to the provisions of any law of this State, and who shall have performed service in such company or troop for the space of seven years from the time of his enrollment therein, shall be exempt from military duty, except in cases of war, insurrection or invasion.

§ 2. Section four of said act is hereby amended by adding at the end thereof as follows:

The officer or person making such enrollment shall, at the time of making the same, serve upon each person enrolled a notice, by delivering the same to him personally, or by leaving it with some person of suitable age and discretion at his place of residence, that he is enrolled as liable to military duty, and that if he claims that he is for any reason exempt from military duty, he must on or before the fifteenth day of August then next ensuing, file a written statement of such exemption, verified by affidavit, in the office of the town or city clerk, to be designated in said notice; blank notices for such purpose shall be provided to such enrolling officer by the Adjutant General. Enrollment.

§ 3. Section one hundred and nineteen of said act is hereby amended so as to read as follows:

§ 119. Whenever any company, organized under the provisions of this act, shall have reached the minimum number of thirty-two non-commissioned officers and privates, the supervisors of the county in which such company district is situated may, at their discretion, upon the demand of the captain or commandant of such company, countersigned by the colonel of the regiment, together with the certificate of the Adjutant General, that such company comprises thirty-two non-commissioned officers and privates, who, as appears, by the certificate of the colonel of the regiment to which such company is attached, regularly attend the drills and parades of said company, and have been furnished with arms, erect or rent within the bounds of such regiment, for said company, a suitable and convenient armory, Armories.

drill-room, and place of deposit for the safe keeping of such arms, uniforms, equipments, accoutrements and camp equipage, as shall be furnished such company under the provisions of this act, except in such places where a public armory shall then exist, the same armory to be used by several companies, or shall provide a regimental or battalion armory to be used by all the companies, as the inspector-general and the board of supervisors of the county shall deem expedient.

§ 5. Section one hundred and eighty-three of said act is hereby amended so as to read as follows :

Regimental
fund.

§ 183. The Comptroller shall annually draw his warrant upon the Treasurer in favor of the county treasurer of each county, for the sum of five hundred dollars for each regiment or battalion, certified by the Adjutant-General, to be organized according to the provisions of this act, within his county, or in case any regiment is organized in two or more counties, then the Comptroller shall draw his warrant in favor of such county treasurer within such regimental district as the Adjutant-General may in his certificate direct ; which sum, together with the fines collected from delinquent officers, non-commissioned officers, musicians and privates, shall constitute the military fund of such regiment.

Excused
from draft
by payment
of \$200.

§ 6. Add at the end of section three hundred of said act, as follows : Any person so drafted, who may be a member of any religious denomination whatever, as from scruples of conscience may be averse to bearing arms, shall be excused from said draft on payment to the clerk of the county by whom such draft is made, the sum of three hundred dollars, to be by said county clerk paid to the Comptroller of the State, to be applied to the purposes mentioned in this act.

Fines not
paid, remit-
ted

§ 7. The fines of all persons who have been enrolled under the act entitled " An act to provide for the enrollment of the militia, the organization and discipline of the national guard of the State of New York, and for the public defense," passed April twenty-third, eighteen hundred and sixty-two, and who have neglected to attend the parade on the first Monday of September last, and which fines have not been paid at the time of the passage of this act, are hereby remitted and released, and the warrants for the collection of the same, now in the

hands of the collectors or receivers of taxes, may be returned uncollected as to the balance remaining unpaid. All moneys in the hands of collectors and receivers of taxes, at the time of the passage of this act, which shall have been collected in pursuance of said act, shall be paid to the several county treasurers in the county where said collectors and receivers reside. The several county treasurers shall pay to the Comptroller on his order, as provided in section fifteen of said act, all moneys that may have been received by said county treasurer, under the provisions of this act.

Disposition
of moneys
collected.

§ 8. All moneys paid to the Comptroller, under the provisions of the said act, shall be credited to the several counties from which the same have been paid, and deducted by the Comptroller from the several amounts required to be collected in said counties, for the State tax of the year commencing on the first of October next; and that the treasurer of each county credit to each town in his county the sum of money actually collected and paid in to the treasurer. And the supervisors are required at their annual meeting next after the passage of this act, in making the assessments required by law, to credit each town in their county with the sum actually collected and paid in to the county treasurer of the county and credited as aforesaid.

Moneys
paid to
comptroller
to be credit-
ed to the
proper
counties.

§ 9. The reserve militia shall not be required to assemble for parade and inspection on the first Monday of September next, as provided by section thirteen of said act; and the provisions of said act, so far as relates to the fines for neglect to attend the parade provided in said law for that day, and the collection of the same, are suspended for the year eighteen hundred and sixty-three.

Reserve
militia not
to parade in
September,
1863.

§ 10. This act shall take effect immediately.

Chap. 426.

AN ACT in relation to the entering and recording of certain orders and proceedings in the office of the Surrogate of the county of Westchester.

Passed May 5, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The surrogate of the county of Westchester is hereby authorized and required to enter and record; *nunc pro tunc*, all orders, proceedings on the proof of wills, and other proceedings made and had in the office of the surrogate of the county of Westchester, before the first day of January, eighteen hundred and sixty-three, required by law to be recorded and entered, and which have been made in writing and which have not been entered and recorded ; and the said surrogate is further authorized and required to sign such orders, records and proceedings, and to such orders, records and proceedings as have been entered and recorded and not signed, the official name of the surrogate before whom such orders were made and proceedings had ; and all orders entered, and proceedings and orders recorded and signed under this act, shall be as valid and effectual as if entered, signed and recorded by the surrogate before whom such orders were made and proceedings had ; and the board of supervisors of the county of Westchester is hereby required to audit and allow the costs and expenses and proper charges of the said surrogate for the performance of the duties herein above directed to be performed.

§ 2. This act shall take effect immediately.

Chap. 427.

AN ACT to authorize the laying of sidewalks in the streets in the town of White Plains, in the county of Westchester, known as Railroad avenue and Broadway.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the owners or occupants of lands fronting on that part of the street, in the town of White Plains, known as Broadway, commencing at the road leading to New York and extending to the First Methodist Episcopal church, and on Railroad avenue, in said town, to construct, relay and keep in repair the sidewalks in front of their respective lots, in such manner, at such times, and of such materials as the commissioners of highways of said town of White Plains may, by a resolution or order for that purpose, direct, and if any such owner or occupant shall refuse or neglect to construct, relay or repair the sidewalks opposite to or fronting on the lot or lots owned or occupied by him, as aforesaid, when so directed to do by the said commissioners of highways, as aforesaid, then, in either case, it shall be lawful for the said commissioners to cause such sidewalks to be so constructed, relaid or repaired, for or on account of the owner of such lots, and such owner and such lots shall be liable to pay the expenses of such repair, relaying or construction, and all sums so expended upon sidewalks, not exceeding in any one year at the rate of eighty cents per foot, after being audited by the said commissioners of highways, and shall thenceforth be a lien or tax to that amount upon every such lot, and thereupon it shall be lawful for the said commissioners to issue to the collector of said town their warrant, returnable in sixty days, for the collection thereof, out of the goods and chattels of the persons legally liable to pay the same; and if such warrant shall be returned unsatisfied in whole or in part, to advertise and sell such lot in the manner prescribed by this act, as in cases of sale for

Duty of
owners or
occupants
of lands

the non-payment of assessments and taxes, by the Revised Statutes.

Remedy of
occupant or
lessee for
expense in-
curred.

§ 2. Whenever the occupant or lessee of any real estate fronting on said part of said street known as Broadway, or on said street known as Railroad avenue, in said town of White Plains, shall have been required, as above provided, to make, repair or construct any sidewalk. he may recover the expenses incurred therefor of the owner of such lot, or set off the amount thereof against the claim for rent, or otherwise, of the owner or owners of said premises, unless otherwise provided for in the lease.

When land
may be sold
and pro-
ceedings
thereon.

§ 3. Whenever any person or corporation in front of whose lands such sidewalk shall have been repaired, re-laid or constructed, pursuant to the provisions of this act, shall neglect or refuse to pay said expenses. and no personal property can be found whereon the same can be levied, the collector shall make return thereof to the said commissioners of highways, who are authorized to cause the land or real estate on which such expenses are charged to be sold at public auction, for a term of time, for the payment of such expenses, giving three weeks' notice of such sale by advertisement in any newspaper published in said town, which notice shall contain a brief description of the premises, the amount of the expenses, requiring the owner or owners to pay the same by a day therein specified; and if such expenses be not paid at the time and place specified in such notice, the real estate so advertised shall be sold by the said collector to the person who shall offer to take it for the shortest term, for the payment of such tax and the interest thereof and the expenses of such notice and sale. The proceeding shall be discontinued at any time before sale, upon any person paying to the said collector the amount of such expenses and the fees and expenses of sale, with the interest and printer's bill; and if the premises are sold, one dollar in addition to the interest and printer's bill may be charged to the expenses of such sale; and if the premises are not redeemed within one year from such sale the commissioners of highways shall execute, to the person or persons entitled thereto, a lease of the premises so sold, under their hands and seals and signed by them or a majority of them, for the term for which the same were sold, to be computed from the expiration of one

year from the day of such sale, which lease shall be presumptive evidence that such tax was legally imposed and of the regularity of the proceedings and sale, for which the said commissioners of highways may charge the sum of one dollar on delivery thereof to the purchaser; and such lessees, his, her or their legal representatives or assigns, may, by virtue of such lease, obtain possession of said premises in the manner prescribed by law in relation to persons holding over real estate sold under execution, and shall and may lawfully enjoy such premises during the time specified in such lease, against the owners thereof and all persons claiming under them, and shall be at liberty, within thirty days after the expiration of such term, to remove all buildings and fixtures put on said premises during said term, in the right of such occupancy; certificates of such sale may be issued and signed by the said commissioners of highways, setting forth the facts and circumstances of said sale, and the time at which such purchaser will be entitled to such lease and delivered to such purchaser.

§ 4. This act shall take effect immediately.

Chap. 428.

AN ACT for the release of the officers of the thirty-seventh regiment, New York State militia, from liability to the State for one hundred and twenty-one muskets stolen from the armory of said regiment, while said regiment was absent from the State, by order of the commander-in-chief.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles Roome and Claudius L. Monell, the obligors upon a bond to the people of the State of New York, conditioned for the return to the said State of all arms furnished by the State to the thirty-seventh regiment, New York State militia, on demand, are hereby released and forever discharged from all liability upon

said bond, for one hundred and twenty-one muskets, part of said arms so furnished, and which during the absence of said regiment from the State by order of the commander-in-chief, were stolen from one of the armories of said regiment, in the city of New York.

§ 2. Nothing herein shall impair or affect the liability of the obligors upon said bond for all other arms furnished to said regiment by the State.

Chap. 429.

AN ACT to change the name and title of the religious corporation known as "The Trustees of the Presbyterian Church in the town of White Plains, Westchester county," to "The White Plains Presbyterian Church," and for the reorganization thereof.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name and title of the religious corporation heretofore known as "The Trustees of the Presbyterian Church, in the town of White Plains, in Westchester county," shall hereafter be known and called by the name and title of "The White Plains Presbyterian Church," and the trustees of the said "The White Plains Presbyterian Church," and their successors elected pursuant to this act, shall hereafter be a body corporate, and shall have, possess and enjoy all the powers, authority, rights and privileges, and subject to all the duties of the trustees of a religious incorporation created under and in pursuance of the act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and in the several acts amending the same.

§ 2. The said "The White Plains Presbyterian Church" shall take, have, hold and enjoy all the estate, real and personal, with the appurtenances of or belonging to, or which was owned or possessed by or to which "The Trustees of the Presbyterian Church in the town

of White Plains, in Westchester county," was entitled before the passage of this act.

§ 3. "The White Plains Presbyterian Church" aforesaid, shall be entitled to take and hold, by gift, grant or devise, real and personal estate, subject to the provisions of law, in the same manner and to the same extent as other religious corporations, as is provided in the aforesaid act, passed April fifth, eighteen hundred and thirteen, and in the several acts amending the same.

§ 4. Within one month after the passage of this act the members of said church, and of the society and congregation of said church, shall assemble at the church edifice known as the White Plains Presbyterian Church and elect nine persons, members of said church, society or congregation, trustees of said church, and the trustees so elected shall be divided by lot into three classes; the first class shall serve one year from the first Monday of May next, the second class for two years from the first Monday of May next, and the third class for three years from the first Monday of May next, and upon the expiration of the term of office of each class of trustees, and in case of a vacancy in the office of any trustee, new trustees, or a new trustee, to supply such vacancy, whether by the expiration of their term of office or otherwise, shall be elected in the same manner as is provided in said act passed April fifth, eighteen hundred and thirteen, and in the several acts amending the same. Public notice of the first election of trustees under this act shall be given by the minister of said church, or in case they have no minister, or he should be absent, then one of the elders or deacons of said church, for two successive Sabbaths to the congregation then attending said church.

§ 5. After the first election of trustees under this act, all the provisions of said act passed April fifth, eighteen hundred and thirteen, and the several acts amending the same, shall apply to the said "The White Plains Presbyterian Church."

§ 6. This act shall take effect immediately.

Chap. 430.

AN ACT to amend an act entitled an "Act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester," passed April sixteenth, eighteen hundred and sixty, and the act amendatory thereof, passed March twenty-six, eighteen hundred and sixty-one.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certain
lands to be
sold.

SECTION 1. It shall be the duty of the county treasurer of Westchester county, at the sale of land for taxes which shall be returned as unpaid for the tax levied in the year eighteen hundred and sixty-two, to include in such sale all lots or parcels of land heretofore returned, on which the tax and expense shall remain unpaid, which were advertised to be sold in the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, but which remained unsold at the final adjournment of said sales.

Treasurer
to bid in
certain land

§ 2. It shall be the duty of the county treasurer, at any sale of lands for taxes, to bid in, for the town from which they were returned, every lot or parcel of land by him offered for sale, for which no person shall offer to bid; and certificates of such sale shall be made by the county treasurer, as in other cases, which shall specify the time when the said town will be entitled to a lease. Such purchases shall be subject to the same right of redemption as purchases by individuals; and if the lands thus sold shall not be redeemed, the county treasurer shall execute a lease therefor to the town, which shall have the same effect as in cases of sales and conveyances to individuals.

Treasurer
may trans-
fer certifi-
cate of sale.

§ 3. The county treasurer, at the request or with the consent of a majority of the town auditors of any town, may sell and assign all the interest of said town, in any or all certificates mentioned in the last preceding section, to any person who shall pay into the county treasury the amount of the purchase money mentioned in such certificate, and the assignee of such certificate shall be enti-

tled to the same rights and privileges as if such assignee had been the original purchaser at the sale.

§ 4. The title to the lands thus leased shall be vested in the board of town auditors of the respective towns, for the time being, who shall hold the same in trust for the benefit of said town, and the said board of town auditors may convey the lands thus held by them to any person, for a sum not less than the amount due upon said lands at the time of the sale, together with the interest and expenses thereon, and the moneys received for such conveyance shall be held by the supervisor of the town, and applied for such purposes, for the benefit of the town, as the inhabitants thereof, at any annual town meeting, may direct.

Title to certain lands vested in town auditors.

§ 5. The town auditors of any town holding lands under and by virtue of the provisions of this act shall make provision at their annual meeting in November of each year, for the payment of all taxes levied and imposed, or to be levied and imposed, upon the lands so held during such year, and shall fix and determine the amount necessary for such purpose, and the amount thus fixed and determined shall be levied and collected in said town as other town charges, and paid to the supervisor of the town, who shall apply the same to the payment of such taxes, and if there shall be any surplus after paying such tax, it shall be paid to the overseer of the poor, to be applied for the temporary relief of the poor of said town.

Payment of taxes.

§ 6. At the annual meeting of the board of supervisors in each year the county treasurer shall report the amount of purchase money due from any town for the several lots and parcels of land bid in for such town, which shall not have been redeemed, and the said amount shall be levied and collected in said town, and paid into the county treasury, and all moneys paid for the redemption of any such lots or parcels of land previous to such report shall be applied for the purchase money of such land, and the balance credited to said town, and all moneys paid for redemption subsequent to such report, before the time for redemption shall have expired, shall be placed to the credit of said town on the books of the county treasurer.

County treasurer to report to supervisors the amount of purchase money due for lands.

§ 7. If, within six months after the sale of any lands in said county by the county treasurer for unpaid taxes,

Proceedings to redeem from

sale by
mortgagee
of lands.

the mortgagee of any of the premises so sold, shall file a notice in writing with the county treasurer, stating the names of the mortgagor and mortgagee, the date of the mortgage and the amount claimed to be due thereon, and the town or village in which the mortgaged premises are situated, and the number of the lot or description of the premises on which said mortgage is claimed to be a lien. with the name of the person or persons claiming notice, and the name of the post office at which such notice shall be addressed, the county treasurer shall immediately thereafter address a notice of the sale of such lot or premises, by mailing it to the person or persons entitled to the same under the provisions of this act. stating therein the term of years for which the lot or premises were sold, the amount necessary to redeem the same, and the date at which the time of redemption will expire. If the mortgagee shall pay the amount required to be paid to redeem said lot or premises, to the county treasurer before the time for redeeming the same shall expire, he shall have a lien on the lot or premises so redeemed by him for the amount so paid, with the interest that may thereafter accrue thereon, at the rate of seven per centum per annum, in like manner as if the same had been included in his said mortgage.

§ 8. Section three of the act entitled "An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes, in the county of Westchester," passed April 16, 1860, as amended by section one of the act, chapter eighty-one of the Laws of eighteen hundred and sixty-one, is hereby further amended so as to read as follows:

County
treasurer to
publish list
of lots re-
turned for
non-pay-
ment of tax-
es.

§ 3. The county treasurer shall cause a list of all lots, pieces and parcels of land and premises in each town which have been returned to him for non-payment of taxes, and the taxes on which have not been rejected by him, with a description of such lands and premises as contained in the assessment rolls, to be published once in each week for eight weeks consecutively, next preceding the day fixed for the sale of said lands and premises, in the two newspapers published in the county which shall have been designated by the board of supervisors to publish the Session Laws of the year in which the sale is so advertised to take place, together with a notice that if

said taxes be not paid to the county treasurer, with interest at the rate of twelve per centum per annum thereon, and the expenses of publication not to exceed fifty cents on each lot for each newspaper so publishing said list and notice, and the county treasurer's charges, on or before a certain day at the expiration of said eight weeks, such lands and premises shall be sold at public auction, at the court house in the town of White Plains, at the time specified in said notice for the shortest period of time that any person or persons may offer to take the same in consideration of advancing the said tax and interest thereon to the time of sale, together with all the expenses that shall have accrued thereon. And the county treasurer shall cause a copy of said list and notice to be posted in six of the most public places in each of the towns where said lands and premises are situated, at least four weeks before the day fixed for the sale of such lands and premises.

§ 9. This act shall take effect immediately.

Chap. 431.

AN ACT further to amend an act entitled "An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick, into one municipal government, and to incorporate the same," passed April seventeenth, one thousand eight hundred and fifty-four, and the acts amendatory thereof.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first clause of section twenty-eight of title four of the act entitled "An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same," passed April seventeenth, one thousand eight hundred and fifty-four, as amended by chapter sixty-three of the Laws of eighteen hundred and sixty-two, is hereby amended so as to read as follows :

Appoint-
ment of
assessors
and their
duties.

The mayor shall nominate, and by and with the consent of two-thirds of all the city supervisors convened in meeting duly notified, appoint on or before the tenth day of January, one thousand eight hundred and sixty-three, five assessors, and on or before the tenth day of January in each year thereafter, one assessor, no two of whom shall be residents of any one ward, and two of whom shall be residents of the eastern district of said city, who shall perform under the direction and supervision of the said commissioners of taxes, the duties heretofore performed by the assessors of the several wards of said city, and by this or any other act required of them, and shall have all the powers of assessors of the different towns of this State.

Salary and
pay of cer-
tain officers.

§ 2. The common council are hereby authorized to appropriate out of the revenue fund of said city so much money as may be necessary, in addition to the amount levied in the annual taxes of one thousand eight hundred and sixty-two, for the salaries of the commissioner of taxes and assessments, and the person having charge of the ward maps and correcting the same, the clerks in the office of the said commissioner and the assessors of said city for the present year, and the other necessary expenses for fitting up the office of the said commissioner of taxes and assessments, and providing the same with proper furniture, books and blanks, and also to pay any other deficiencies in the tax levy of said city for one thousand eight hundred and sixty-two, for the payment of salaries fixed before the presentation of the estimate of the mayor to the joint board of common council and supervisors for the expenses of one thousand eight hundred and sixty-two, or authorized by this act.

§ 3. The first clause of section twenty-two of title two of said act of consolidation and incorporation as amended by said chapter sixty-three of the Laws of eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Common
council and
supervisors
to deter-
mine
amount ne-
cessary for
expense of
city.

The common council and the supervisors of the city shall meet in joint board on the first Monday of June in each year, and then, or as soon thereafter as practicable, proceed to determine by a majority of at least two-thirds of the members present, what sums will be necessary to defray the expenses of said city for the year to commence on the first day of January next thereafter, and also the

interest due or to become due in that year on the bonded debt of said city, and any installments due or to become due thereon in that year, together with such sums as by this act are authorized for the use and benefit of the public schools of said city, and as are or shall be required by law to be paid into the sinking fund of the city, and as shall be necessary to pay any judgment recovered against the city; but such joint board shall not have power to determine any sum for the general purposes of said city exceeding in the aggregate the total amount estimated by the mayor and comptroller in their statement to the joint board, unless for purposes which shall have been previously authorized by law.

Limitation

§ 4. All contracts for cleaning streets, or repairing wells and pumps, shall provide that in case the contractor or contractors shall fail to perform the work required by such contracts, according to the terms thereof, the alderman of the ward to which any such contract or contracts shall relate, shall be authorized in case such work shall not be done within twenty-four hours after written notice to such contractor or contractors by such alderman to do the same, to cause such work to be done, and the expenses thereof in such case shall be charged to and deducted from any moneys due or to become due to such contractor or contractors; and further that in case, upon such failure there are no moneys due any such contractor or contractors, or he or they shall fail as aforesaid a second time, the alderman of the ward shall notify the board of contracts thereof, which board shall immediately annul the contract and proceed forthwith to re-let the said work. The provisions of this section shall apply to any contract so made.

Terms of contracts, relating to streets.

§ 5. The board of contracts are hereby authorized to appoint three suitable persons as superintendents of contracts, whose duty it shall be to superintend the work performed under all contracts made by said board, except such contracts as provision is made by law for supervision and inspection by other officers; and to report to the said board from time to time the manner in which such contracts may be performed. Such superintendents shall discharge such other duties as the said board shall prescribe. They shall each receive an annual salary of eight hundred dollars.

Superintendent of contracts, and his duties.

When tax
apportioned
among
owners of
land.

§ 6. In cases where any piece or parcel of land shall be sold for any tax thereon, and there shall be separate interests, divided or undivided at the time of levying such tax, and the same shall be made to appear to the satisfaction of the commissioner of taxes by affidavit, he may apportion the amount for which such land shall have been sold between the several interests and the provision of law applicable to the redemption of land from sales for taxes shall apply to the several interests and amounts apportioned.

Duties of
chief engi-
neer and his
salary.

§ 7. The chief engineer of the western district shall keep a regular record of the business in his office, which record shall be a public record, and be delivered to his successors in office. Such chief engineer shall receive an annual salary of two thousand dollars, to commence on the first day of February, in eighteen hundred and sixty-three, and for this purpose they may make appropriations out of the revenue fund of said city.

Term of
office of
clerk and
health offi-
cer.

Amend-
ment.

§ 8. The terms of office of the city clerk and of the health officer shall each be two years.

§ 9. The thirty-eighth section of chapter sixty-three of the Laws of eighteen hundred and sixty-two, is hereby amended by striking out the words "having the shortest time to serve."

§ 10. This act shall take effect immediately.

Chap. 432.

AN ACT* to authorize the towns of Morrisania, West Farms, and Yonkers, to open and make a road from the city of New York to the village of Yonkers, in the town of Yonkers.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Money may
be raised to
build road.

SECTION 1. It shall be lawful for the town of Morrisania to raise money by loan to an amount to be fixed by the board of town auditors of the town of Morrisania, not exceeding five thousand dollars, and for the town of West Farms to raise in like manner a sum to be fixed by the board of town auditors of the town of West Farms,

not exceeding fifteen thousand dollars, and for the town of Yonkers (including the village of Yonkers) to raise money by loan to an amount to be fixed by joint resolution of the board of trustees of the village of Yonkers and the board of town auditors of the town of Yonkers, not exceeding fifteen thousand dollars, which said sums of money shall be appropriated to making, grading, draining, macadamizing, graveling or otherwise improving a road in said towns to extend from the city of New York, at or near the new central free bridge over the Harlem river, near the north end of Seventh avenue in said city, northerly through said towns of Morrisania, West Farms and Yonkers, to the corner of Broadway and Dock street in the said village of Yonkers. From the city of New York to the south line of the town of Yonkers, the road shall follow, as nearly as in the judgment of the commissioners named below, the public interest will permit, the line of high water in Harlem river; from the south line of the town of Yonkers to the south line of the village of Yonkers, the road shall follow, as nearly as in the judgment of said commissioners the public interest will permit, the line of the road formerly known as the Highland turnpike; and through the village of Yonkers it shall follow the line of Broadway to Dock street.

§ 2. William Cauldwell, James N. Crowe, Thomas E. Sutton, Frederick W. Devoe, Charles W. Bathgate, John Bussing, Joseph H. Godwin, William G. Ackerman, Thomas W. Ludlow, Thomas Radford, Robert P. Getty, and Everett Clapp, shall be commissioners, with power to lay out and widen, to make and grade said road and to perform the several acts and duties in this act prescribed. In case of the death, resignation or refusal to act of any or either of said commissioners, the remaining commissioners or a majority of them, as often as such vacancy shall happen, shall appoint a suitable person who shall be an elector in the town from which the vacancy occurs to fill such vacancy, and such appointees shall have all the powers and authority vested in a commissioner by this act. A majority of said commissioners shall have power to perform the duties herein specified. Such commissioners, before entering upon their duties, shall severally take and subscribe an oath before some

Commissioners to
lay out road

Oath of
office.

person authorized to administer oaths, faithfully and impartially to exercise the duties of said office, until the said road shall have been completed; but no compensation or allowance whatever, directly or indirectly, shall be made to the said commissioners, or any or either of them, for their services by virtue of this act.

Authority
of commis-
sioners as to
opening
road.

§ 3. Such commissioners shall have power, if in their judgment the interests of said towns will be thereby best promoted, to cause the improvements authorized by this act to be made in divisions of not less than one mile in length at one time; but no money shall be expended in making any part of said road until that part of it shall have been legally laid out and opened, and the right of way therein acquired by the town in which said part shall be situated, without expense for land damages to said town. From the city of New York to the post road, at or near King's bridge, the said road shall not be less than fifty nor more than seventy feet in width. From King's bridge to Spring street in the village of Yonkers, the minimum width of the road shall be sixty feet and the maximum width eighty feet; from Spring street to the corner of Broadway and Dock street the road will follow the existing boundaries of Broadway.

Survey and
map of road

§ 4. It shall be lawful for said commissioners, and for all persons acting under their authority, to enter, in the day-time, into and upon any lands, tenements, and hereditaments which they shall deem necessary to be surveyed, used, or converted for the laying out, opening, or making of said road. And the said commissioners or a majority of them shall cause a survey and map of said road to be made, on which they shall accurately show all the lines of said road, with such alterations (if any) as they may deem proper in the existing roads, over or near the lines of which the new road is to pass. The map shall show both the parcels of land, tenements, and hereditaments which it is proposed to take or convert, for the purposes of said road, and also such portions of any existing road (if any) as may be relinquished.

Road divid-
ed into four
sections.

§ 5. The said road shall be divided into four sections, of which the lower or first section will embrace all that part lying south of the town of West Farms and extending to the city of New York; the second section will embrace all that part lying within the town of West Farms;

the third section will embrace all that part lying within the town of Yonkers, and south of the village of Yonkers; the fourth section will embrace all that part lying within the village of Yonkers. The damages awarded for the taking of the lands, tenements and hereditaments, to be taken for the laying out, opening, or widening of said road in each of such sections, shall be paid for by assessing the amount thereof, in the manner hereinafter provided, upon the strips of land one hundred feet deep, fronting on each side of such sections of said road, respectively, and no part of the expense of opening or widening said road in any one section shall be paid for by the lands in either of the other sections.

Payment of
damages
for lands
taken.

§ 6. The payments or awards for damages to such lands, tenements or hereditaments to be so taken or converted, and the assessments upon said lands fronting on said roads to pay such awards, shall be apportioned in such manner as they shall deem most equitable and just, by commissioners of estimate and assessment, to be appointed by the county court of the county of Westchester, or by the supreme court at a special term, held in the judicial district in which said county is situated, on the application of the above named commissioners for laying out and making said road. Notice of said application shall be published in one or more of the newspapers published in the town in which the land to be taken is situated, or in a newspaper published nearest said town in case no newspaper is published therein, once in each week for two weeks successively, before the day on which application is to be made. The owners of property liable to assessment shall have the right to nominate, in writing to the court, persons qualified, as hereinafter mentioned, to serve as commissioners, and the said court shall thereupon appoint from among the persons so nominated, if any, three persons as such commissioners, who shall not be interested in the improvements and shall be owners of a freehold estate in said town liable to taxation; the said court may also appoint another, or others to act in the place of any one or more of such commissioners who may die, decline serving, or remove from the town, be, or become interested in the improvement, or from any cause may be disabled from serving, without notice upon application of the said commissioners named in this act.

Apportion-
ment of
damages.

Commis-
sioners of
estimate to
be appoint-
ed.

Contents of
map.

§ 7. The commissioners named in this act to open and make said road, shall cause a map to be made by a competent surveyor, on which map shall be designated by feet and inches, as near as may be, the several pieces of land and premises necessary to be taken for the improvement, and of any residue of lots or pieces of land within the district of assessment, of which only a part will be required of the same; and also the several pieces of land and premises within the above mentioned strips of land, one hundred feet wide, situated on each side of said road, which said pieces of land shall be numbered in figures from one upwards, and the map aforesaid shall form and constitute a part of the report of the commissioners of estimate and assessment, and shall be deposited with the report for examination with the clerk of the town in which said land shall be situated.

Oath of
office by
commis-
sioners of
estimate.

§ 8. The said commissioners shall be sworn before some officer, authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall then proceed with all reasonable diligence to make the estimate and assessment mentioned in this act, and for this purpose they shall have power to enter upon and examine any premises which, in their opinion, will be affected by the said improvement, to hear the proofs and allegations of the parties interested, at such time and place as they may appoint, and to adjourn from time to time as they may deem proper.

Report of
commis-
sioners.

§ 9. The report of said commissioners shall be made in a tabular form, with columns, in which shall be distinctly given the whole expense of the proposed improvement and the several items thereof; the number on the map of the pieces of land required for the improvement, and of any residue, lots or pieces of land within the district of assessment, of which only a part will be required for the same; the number of the pieces of land assessed for the benefit; the names of the persons interested in the property taken for the improvement; the amount awarded to the different parties interested in the lands and premises required for the improvement; the amount assessed on each piece of land and on the different interests therein; the balance of award to be received by the different parties over the assessment; the balance of

assessment to be paid by each individual whose assessment amounts to more than the award, and so many and such different and tabular statements as may be necessary to designate the true interests in relation thereto; provided, however, that it shall be lawful for the commissioners to substitute in their report for the name of the owner of any lands taken or assessed, the words "unknown owners," in all cases where they shall make and annex to their report an affidavit, that after having made diligent search and inquiry, they have been unable to ascertain the name of the owner.

§ 10. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the said commissioners may in cases where injury and injustice would otherwise be done, and with the consent in writing of the owner or owners of such lot or lots, include the whole or any part of such residue in their report, briefly describing the same, and estimate separately the value thereof. Every such residue, or part of residue, which shall be so included, shall, upon the confirmation of the said report as hereinafter provided, and the payment or tender of the amount at which the same shall be so estimated to the owner or owners thereof, vest in fee simple in the said commissioners for laying out and making said road, who shall thereupon sell and dispose of the same at a price, or prices, not less than the sum at which it shall have been so estimated to the owner or owners of the next adjacent lands, and if he or they shall not upon reasonable notice, to be determined by said commissioners, elect to take the same at such price or prices, it shall be disposed of at public auction, upon such notice as said commissioners shall deem proper, for the best price or prices that can be obtained for the same. In case the same shall sell for a less sum than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for payment of the amount thereof, the commissioners shall include in the estimate and assessment of the expenses of such improvement, the estimated value of any such residue, or part of a residue, which may be included as aforesaid in their report; and

Disposition
of residuum
of lots.

upon the sale of the same, as above provided, the proceeds thereof shall be credited and allowed to each of the persons assessed in proportion to the amount of the respective assessments against them.

Benefits to owners of land to be estimated.

§ 11. In other cases in which part only of the land and premises of any person or persons will be required for such proposed improvement, the fair estimated benefit to be derived by him, her or them, in common with others, from the said improvement, shall be assessed and be a lien upon the residue of such lands and premises; but such assessments shall in no case exceed the value of such residue, and if in the opinion of the court to whom said report shall be presented for confirmation, as hereinafter provided, any assessment shall exceed such value, it shall be good cause against confirming said report.

Lien of estimated damages.

§ 12. When all the land or premises of any person or persons will be required for the contemplated improvement, or when part only thereof will be required, and the estimate of the damage to be sustained by the appropriation of such part to the purposes thereof shall exceed the fair estimated benefit which, in common with others, he, she or they will derive from the said improvement, the amount of the estimated damages in the first case, and of the excess of such estimated damages in the last, shall be assessed and be a lien on other lands and premises according to the estimated benefit to be derived by them from the said improvement.

Further duty of commissioners as to damages.

§ 13. The said commissioners shall also estimate in their said report any damages arising from the said improvement which may be sustained by the owner or owners of any land bounded on a public highway, by reason of the location of the proposed road in such manner as to interpose the land of any other person between such road and the said highway; and the amount of such estimated damages shall be assessed, and be a lien on other lands and premises, according to the benefit to be derived by them respectively from the said improvement.

Report of commissioners to be filed with town clerk.

§ 14. After said report shall be completed, it shall be deposited by the said commissioners of assessment with the clerk of the town in which the lands taken shall be situated. They shall then cause a notice to be published, that the report has been completed and filed, and that

they will meet, at a time and place therein to be specified, not less than twenty days from the first publication of such notice, to review their report; during that time the said report may be examined, free of expense, by all persons interested; and at the time and place so specified any such person may offer objections in writing to the said report, and accompany the same with such affidavits as he may think proper. The said commissioners shall thereupon, or as soon as conveniently may be thereafter, review their said report, and correct the same when they shall deem the same proper, and shall then file the same with the said town clerk. The commissioners named in this act shall then cause a notice to be published in one or more of the newspapers published in said town, or in a newspaper published nearest to said town in case no newspaper is published therein, that the said report has been so completed and filed, and that application will be made on behalf of the said commissioners to the county court of the county of Westchester, or to the supreme court at any one of the special terms thereof, to be held in the judicial district in which said county shall then be situated, the time to be specified in such notice (and in either case not less than twenty days from the first publication thereof), to have the said report confirmed; during the said space of twenty days, the said report shall remain open to the inspection, free of expense, of all persons interested, and any such person may, within that time, appeal from said report. Such appeal shall be by notice, to be served on the town clerk within the period last mentioned, and at least six days before the time at which the said report is to be presented to the court for confirmation, which notice is to be accompanied with copies of the objections and affidavits which shall have been delivered to the commissioners, and also with a brief statement in writing of the grounds of objection to such report, and of the manner in which it is contended that the same ought to be altered.

Review of
report.

Notice for
confirming
report.

Appeal
therefrom.

§ 15. Such appeal shall be heard by the court to which the said report shall be presented for confirmation, at the time the same shall be so presented; copies of the affidavits which shall have been delivered and served as aforesaid (but no others) may be read against confirming said report, but no cause against such con-

Hearing of
appeal.

firmation shall be heard, except an appeal shall have been made in the manner provided in the preceding section of this act; if no sufficient reason to the contrary shall appear to the court, they shall confirm the said report, or if in their opinion the same ought not to be confirmed, they may refuse so to do, and in the event of such refusal they shall in the proper cases refer it back for revision or correction to the same or other commissioners, who shall proceed to revise or correct the same, and cause a new report to be filed in the office of the clerk of the town. The commissioners to lay out said road shall thereupon cause a new notice to be published in the manner required in the preceding section of this act, of the filing of such report, and of their intention to apply for the confirmation thereof; the said report may be appealed from within the time and in the manner provided in the said section, and such appeal shall be proceeded upon and the said report again disposed of in the manner directed by this section, and so often as any such report shall be referred back for revision and correction, the like proceedings shall be thereupon had as are provided in this section, upon a first reference back to the said commissioners. In cases, however, where the said court shall direct specific alterations to be made in its presence, they may thereupon absolutely confirm the said report without further notice.

When new
report to be
made.

When im-
provements
may be
made.

Payment of
assessments.

§ 16. After the reports of the commissioners shall be confirmed, the said reports shall be delivered to the commissioners for laying out and making said road, who shall be thereupon authorized to cause such improvements to be made; at any time within the space of thirty days next after the confirmation of said report, any person from whom any assessment contained therein may be due, may pay the amount thereof, without any additional expense for collecting, to the said commissioners; all such assessments which shall be unpaid at the expiration of that period shall be collected in the same manner in which unpaid taxes are collected, and the lands on which such assessment shall be laid may be sold for the payment and collection of such assessment, together with all interest, commissions, percentage and expenses, in the same manner as by any of the laws of this State lands are authorized to be sold for the non-

payment of taxes, and the same proceedings shall be had for the sale of lands for the non-payment of such assessments, interest, commissions, percentage and expenses as are by the laws of this State provided for in the case of the sale of lands for the non-payment of taxes.

Sale of
lands.

§ 17. The commissioners for laying out and making said road shall pay to the persons (or to the attorneys or legal representative of such person) to whom damages may have been awarded in such report, the balance of such award, without any deduction therefrom by way of fee or commission.

Payment of
damages.

§ 18. The commissioners of estimate and assessment, to be appointed as aforesaid, shall be allowed three dollars for each and every day while actually and necessarily employed in and about their duties, and such compensation, and the costs and fees of the attorney, and the fees and charges of surveyors and other persons, shall be estimated as part of the expenses of the improvement, and be afterwards taxed or certified by the county judge or some officer authorized to tax costs in the supreme court of this State

Pay of com-
missioners.

§ 19. If the estimate of expenses shall exceed the amount of expenses which shall be actually incurred in making the improvement, such excess shall be refunded or allowed to the persons assessed, in proportion to the amount of their respective assessments.

Excess of
estimated
expenses, re-
funded.

§ 20. In any case of opening or widening said road, under the provisions of this act, the county court of the county of Westchester, or the county judge thereof, in term or vacation, or a justice of the supreme court, shall have power, on applications, to appoint guardians for infants or other incompetent persons, to protect their interests or prosecute appeals, who shall be entitled to receive five dollars for their services and attendance before the commissioners, and no other fees or costs, unless upon an appeal, in which case the judge who shall hear the appeal shall fix upon the further amount to be allowed them, if any, and shall certify the same.

Guardians
for infants
to be ap-
pointed.

§ 21. The commissioners named in this act, or a majority of them, shall have power to make said road, and to grade, drain, gravel, macadamize or otherwise improve the same; provided that no change shall be made in the grade of any street in the village of Yonkers without the consent of the trustees of said village. All such work shall

Powers of
commis-
sioners.

Contracts
for work
and propo-
sals there-
for.

be done by contract; and before entering into such contract, said commissioners shall cause proper specifications and drawings of the proposed work to be prepared and deposited with the town clerk of the town in which said work shall be situated for public inspection, and they shall then give at least three weeks' public notice, by publication at least once in each week in the newspapers printed in said town, or in a newspaper published nearest said town in case no newspaper is published therein of the time and place where they will receive sealed proposals for executing such work. No proposal shall be considered which shall not be accompanied by a bond, with sureties, and in a penalty, both to be approved by the commissioners, conditioned that if the proposal be accepted the persons proposing will construct the work at the price and upon the terms proposed, according to the specifications and drawings therefor in the possession of the town clerk. On receiving such proposals, the said commissioners may enter into contract for the execution of such work, and such contract shall be made with the person, whose sureties being satisfactory to said commissioners, shall offer to do the same at the lowest price.

Expenses of
commis-
sioners.

§ 22. The necessary legal expenses incurred by said commissioners and the expense of printing and of surveys, specifications or superintendence of said work, and other similar purposes, shall be deemed a part of the expense of making and improving said road, and shall be paid in the manner prescribed in the following sections.

When care
of road to
be surren-
dered by
commis-
sioners.

§ 23. Where any section of said road shall have been entirely completed by said commissioners, it shall be by them surrendered to the commissioners of highways of the town in which said road shall be situated, if such section be without the village of Yonkers; or to the trustees of said village, if such section be within said village, who shall thereafter maintain and keep the same in as good condition as when surrendered to them.

Money to
be raised
for im-
provement
of road.

§ 24. Such sums of money as may be necessary to make, grade, drain and otherwise improve said road shall be raised by the issue of the bonds of said several towns to the amount specified in this act, or for so much thereof as may be required, and each town shall only be required to pay for the making and improving of so much of said road as shall be situated within the limits of said town.

Such bonds shall be issued from time to time as required, on the requisition of said commissioners for making said road, by the supervisor and town clerk of said towns, and shall be signed by them and countersigned by such one of the said commissioners as shall be by said commissioners designated for that purpose, and shall bear an interest of seven per cent per annum, payable annually, and they shall be so drawn as to become due in sums not exceeding twenty-five hundred dollars in any one year in any one town; the first installment to become due at such time as may be fixed by said commissioners, not exceeding three years from issuing of said bonds. Such bonds shall be in sums of not less than five hundred dollars, and shall be registered in the office of the clerk of the town by which they shall be issued. The said commissioners, for making said road, shall receive said bonds, and shall convert them into money at not less than the par value thereof, and shall expend the proceeds thereof in making and improving said road.

§ 25. It shall be the duty of the board of supervisors of the county of Westchester, to assess upon said towns of Morrisania, West Farms and Yonkers (including the village of Yonkers), and there shall be annually assessed and collected such sums as shall be required, from year to year, to pay the necessary expenses incurred by said commissioners in laying out and opening said road, and to pay the interest and installments of principal of said bonds, and such money so to be paid shall be received by said commissioners, and applied to the purpose mentioned in this act; but such sums as shall be raised to pay the interest and principal of said bonds shall be received and applied by the supervisors of said town to the payment and redemption of the principal and interest of said bonds, as the same shall, from time to time, become due, and the supervisor shall, in each case, take from the person or persons to whom he shall make such payments, a receipt thereof, to be written on such bonds, and shall present such bond and receipt, as his vouchers, to the board of town auditors, at their next meeting, and the said board shall cause the word "canceled" to be written over the face of each bond so presented to them.

Duty of supervisors of Westchester.

§ 26. This act shall take effect immediately.

Chap. 433.

AN ACT to release to Mary Henderson, Archibald W. Henderson, David S. Henderson and Mary McNair Henderson the interest of the State in certain lands in the city of Brooklyn and State of New York, conveyed to Archibald Henderson, deceased, by S. Baldwin Chapman.

Passed May 5, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The people of the State of New York do hereby release all their estate, right, title and interest in or to the lands, premises and real estate described in a certain deed bearing date May first, A. D. eighteen hundred and fifty-six, made and executed by S. Baldwin Chapman to Archibald Henderson, now deceased, and recorded in the office of the register of deeds, in and for the county of Kings, in liber four hundred and twenty-seven of deeds, page one hundred and sixty-eight, on the thirtieth day of June, eighteen hundred and fifty-six, which premises are situated on the north of Fulton and west of Lewis avenues in said city of Brooklyn, unto Mary Henderson, widow of Archibald Henderson, Archibald W. Henderson, David S. Henderson and Mary McNair Henderson, only children of the said Archibald Henderson, deceased, in like proportions and to the same extent as if the said Archibald Henderson, now deceased, had died seized legally of said property intestate; and do confirm and make valid (so far as the interest of the State of New York is concerned) a certain mortgage for purchase money, to the amount of thirteen hundred dollars of and upon said premises bearing even date with said deed, made and executed by said Archibald Henderson to said S. Baldwin Chapman, and also recorded in the office of said register, in liber three hundred and seventy-three of mortgages, page three hundred and sixty-eight, and since assigned to and now held and owned by Elizabeth Lockard.

§ 2. Nothing herein contained shall be construed to

impair, release or discharge any right, claim or interest of any creditor, by mortgage, judgment or otherwise.

§ 3. This act shall take effect immediately.

Chap. 434.

AN ACT to authorize the incorporation of the "Iroquois Agricultural Society," among the Iroquois Indians in this State.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Israel Jameson, John Hudson, Nicholson H. Parker, of the Senecas; Peter Wilson, Joseph Isaac, Thomas Crow, of the Cayugas; Daniel W. Pierce, Samuel George, Joshua Pierce, of the Onondagas; John Mount Pleasant, Cornelius C. Cusick, William Mount Pleasant, of the Tuscaroras; Daniel Skenandoah, Thomas Cornelius and Thomas Skenandoah, of the Oneidas, and their successors, are hereby constituted a body corporate and politic forever, by the name of "The Iroquois Agricultural Society." for the promotion of the science of agriculture, horticulture, arts, improvement of stock, improving and cultivating the tastes of the Iroquois nations of Indians of the State of New York, and civilizing the same; and may have and use a common seal, and may change and alter the same at pleasure. Corporators

§ 2. The persons above named shall be the first trustees of the said corporation, and shall supply any vacancies which may occur in their number by their own appointment; but whenever any vacancy occurs in any of the above named tribes or nations, the appointment shall be made, so that the new trustee shall belong to the tribe or nation in which such vacancy shall have occurred, in order that each tribe or nation of Iroquois Indians above named, in this State, shall be equally represented in the board of trustees. Eight of their number shall constitute a quorum for the transaction of business. This society shall be governed by the following officers, viz.: a president, secretary and treasurer, who shall also be the executive committee. The said officers shall be Trustees. Officers.

chosen from the said trustees, but no tribe or nation shall be entitled to two of the above named officers at any one time except for the present year. Andrew John shall be president, Asher Wright shall be secretary, and Henry Silverheels, shall be treasurer. The said trustees shall adopt such by-laws, rules and regulations as may be necessary for the admission and government of its members and officers, and the same shall be filed in the office of Secretary of State of this State.

May enter upon certain lands.

§ 3. The trustees may enter upon any wild lands, in any of the Indian reservations in this State, not occupied or improved by any Indian, or may lease or purchase lands of any individual Indian or Indians, and the lands so acquired shall be held to the uses and purposes of this incorporation.

Duties of executive committee.

§ 4. The executive committee of this society shall, from time to time, offer such premiums as they may deem proper in the several departments which the said society have organized, or may hereafter organize, and shall annually, on or before the first day of February, make out and transmit to the secretary of the State Agricultural Society at Albany, a statement of the transactions of said society for the year, giving the receipts and expenditures thereof and the amount of premiums awarded, and the same shall be subscribed and sworn to by said officers before some person authorized to take acknowledgment of deeds, as being a just and true statement, within the spirit, the intent and meaning of this act.

Revised Statutes applied.

§ 5. This society shall possess the power, and be subject to the restrictions contained in the third title of the eighteenth chapter of the Revised Statutes; and it shall be lawful for this society to demand, sue for and recover, and be entitled to receive all the moneys in the custody of any person who may have been the treasurer of this society, before the passage of this act of incorporation, if said money is not applied to the uses of said society during the current year under the discretion of its proper officers.

Chapter 26 of laws of 1860 applied

§ 6. Chapter thirty-six of the Laws of eighteen hundred and fifty-nine, entitled "An act to enable agricultural and horticultural societies to extend a more perfect protection to their property and the property of exhibitors at fairs, and to allow the board of managers to appoint

a police for that purpose," passed May seventh, one thousand eight hundred and fifty-nine, is hereby extended over and made applicable to this society, excepting, that this society shall have power to employ Indians as policemen, should the executive committee so elect; in which case said policeman shall have the same power, during the time of any fair or exhibition of this society shall continue, relative to any offense committed in or about the grounds, that a constable may have by law, in serving criminal process and making arrests, and, in addition, may arrest any person for the commission of any offense mentioned in section two of said act.

§ 7. This act shall take effect immediately.

Chap. 435.

AN ACT for the relief of James J. McCue, Simon Schermerhorn, Daniel D. Campbell.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The attorney general is hereby directed to discontinue the action heretofore commenced by him, on a bond to the people of the State of New York, executed by James J. McCue, Simon Schermerhorn and Daniel D. Campbell, and which is now pending in the supreme court, upon the payment to him by the defendants, the taxed costs of said action.

Chap. 436.

AN ACT to authorize the "Corn Exchange Fire and Inland Navigation Insurance Company" to change its name, to increase its capital stock, and otherwise to amend its charter.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the "Corn Exchange Fire and Inland Navigation Insurance Company" of the

city and county of New York, and formed pursuant to the provisions of the act entitled "An act to provide for the incorporation of insurance companies," passed April tenth, eighteen hundred and forty-nine, by charter, filed in the office of the Secretary of State, on the sixteenth day of February, eighteen hundred and fifty-three, to increase its capital stock from time to time, in the manner and form, and as provided by the nineteenth section of chapter four hundred and sixty-six of the Laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of fire insurance companies," passed June twenty-fifth, eighteen hundred and fifty-three, until the same shall amount to one million dollars; and when said company shall have thus increased and paid in an additional capital of three hundred thousand dollars, which shall be invested as provided by said chapter four hundred and sixty-six of the Laws of eighteen hundred and fifty-three, and of the acts amendatory thereof and supplementary thereto, it shall be lawful for said company to transact the business of insurance as specified and enumerated in the first and second subdivisions of the first section of the aforesaid act, passed April tenth, eighteen hundred and forty-nine.

§ 2. The name of the said corporation shall hereafter be the "Corn Exchange Insurance Company," but nothing in this act contained shall in any way impair any right or liability of the said corporation in relation to any insurance or contract heretofore made, but any suit or suits in relation thereto, or in relation to any other matter shall hereafter be brought by or against the said corporation by its new corporate name. All actions now pending may be continued in the present name of the said company.

§ 3. This act shall take effect immediately.

Chap. 437.

AN ACT to amend "An act in relation to the collection of fines and forfeitures in the county of Monroe, and the duties of certain officers in relation thereto," passed April 11th, 1849.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of the act in relation to the collection of fines and forfeitures in the county of Monroe and the duties of certain officers in relation thereto, passed April eleventh, eighteen hundred and forty-nine is hereby amended so as to read as follows:

§ 4. All recognizances taken by any judge, or justice of the peace, or the district attorney of said county of Monroe, in criminal proceedings in said county, shall be filed by them with the county clerk, of said county, within ten days after the same are taken, under the penalty of one hundred dollars for each neglect; and a statement of all recognizances entered in the minutes of the clerk of any court in said county, shall, in like manner, be filed in the office of the said county clerk, by the county clerk, within ten days after the rising of any and every court at which any such recognizances shall be taken or entered, as aforesaid, under the like penalty; and the county clerk shall, on the first day of every court held in said county, furnish to said district attorney a list or statement of all recognizances filed in his office for the attendance of any person at such court, with the names of the securities thereto.

§ 2. This act shall take effect immediately.

Chap. 438.

AN ACT for the relief of Lorenzo D. Brock,
assignee of Samuel P. Alexander.

Passed May 5, 1863 ; three-fifths being present.

*The People of the State of New York, represented in
Senate and Assembly, do enact as follows :*

SECTION 1. The Treasurer shall pay, on the warrant of the Comptroller out of any moneys appropriated or to be appropriated for the support of State prisons. the sum of fifty-three dollars and nineteen cents, the same being the amount audited and allowed to the said Samuel P. Alexander, by the commissioners appointed by the legislature of eighteen hundred and fifty-four, to adjust all the claims outstanding against the several State prisons.

§ 2. This act shall take effect immediately.

Chap. 439.

AN ACT to change the corporate name of "Trinity Church, Ulster," to "Trinity Church, Saugerties."

Passed May 5, 1863.

*The People of the State of New York, represented in
Senate and Assembly, do enact as follows :*

SECTION 1. The corporate name of "Trinity Church, Ulster," is hereby changed to "Trinity Church, Saugerties," and the wardens and vestrymen shall take charge of all the property and business belonging to said church, and transact all the affairs of said church, by the name last mentioned.

§ 2. This act shall take effect immediately.

Chap. 440.

AN ACT to authorize the canal appraisers to hear and determine the claim of Philena M. Bruce, for canal damages.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the claim of Philena M. Bruce, for damages claimed to have been heretofore sustained in consequence of a portion of lands now owned by her and situate in the village of Cuba, in the county of Allegany, being taken and appropriated by the State for the construction of Griffin creek feeder to the Genesee Valley canal, and to hear and determine all the legal and equitable claims of said Philena M. Bruce, resulting or arising from such construction, or from the construction of the said canal. The said appraisers shall make such award thereon as shall be just and reasonable, subject to appeal to the canal board as in other cases.

§ 2. The said Philena M. Bruce may file her claim for damages with the canal appraisers within one year from the passage of this act.

§ 3. The treasurer shall pay on the warrant of the auditor of the canal department, such sum, if any, as shall be awarded and finally adjudicated, as provided for by the first section of this act, out of any moneys in the treasury appropriated or to be appropriated to the payment of canal damages.

§ 4. This act shall take effect immediately.

Chap. 441.

AN ACT to authorize the appraisal and payment of canal damages of Sarah M. Howes.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and directed to examine and appraise the damages of

Sarah M. Howes, an heir and legal representative of Clarissa Piersons, deceased, for damages done to her premises situate in Sullivan, Madison county, in the construction of the Erie canal enlargement, in depositing spoil bank, digging, borrowing pits or otherwise, outside the blue line marking the permanent appropriation, and to award her such sum as shall be just and equitable therefor, which award shall be subject to appeal to the canal board as in other cases.

§ 2. The Treasurer shall pay on the warrant of the auditor of the canal department, the sum which may be awarded under the provisions of this act, out of any moneys in the treasury appropriated or to be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 442.

AN ACT to authorize the completion of the alphabetical indices of deeds in the Cayuga county Clerk's office.

Passed May 5, 1863; three-fifths being present.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county clerk of the county of Cayuga is hereby authorized to make a general alphabetical index of all such records of deeds in his office as have no general alphabetical index. and for this purpose he shall provide proper books for making such index, and shall form indices therein in such manner as to afford correct and easy reference to the several books of record of such deeds. In each book there shall be made double entries, or two lists of names in alphabetical order. In one shall be set the names of the grantors, followed by the names of their grantees, and in the other the names of the grantees, followed by the names of their grantors.

§ 2. The said clerk is hereby authorized to charge in his account against the county of Cayuga all necessary expenses which he may incur in the purchase of books for such indices, and at and after the rate of fifty cents for every hundred names which he may enter in such book.

Chap. 443.

AN ACT respecting the town records of the town of Baldwin, in Chemung county.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the commissioner of highways and the supervisor of the town of Baldwin, in the county of Chemung, to cause the roads and highways which the said commissioner and supervisor shall deem to have been legally established, and which at the date of the passage of this act shall be used as highways in the said town, to be surveyed, described and entered of record in the office of the clerk of said town, and which record, when made and certified to be correct by said commissioner and supervisor, shall be as valid and effectual as the original record of the laying out of said roads, and shall be presumptive evidence in all courts and places of the existence, route and boundaries of said roads respectively; and said commissioner and supervisor are hereby authorized to examine on oath any and all persons having any knowledge or information concerning said road and the records thereof, and to employ all necessary surveyors and assistants to make such surveys.

§ 2. The necessary expenses incurred by the said commissioner of highways and supervisor, and the town clerk of said town, in the execution of this act, shall be town charges, and shall be audited, levied and paid as are other town charges.

§ 3. This act shall take effect immediately.

Chap. 444.

AN ACT to amend section twenty-five, article two, chapter sixteen, title one, part one of the Revised Statutes, entitled "Of highways and bridges."

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-five, article two, chapter sixteen, title one, part one of the Revised Statutes, is hereby amended so as to read as follows:

The commissioners of highways shall direct the clerk of the town to make a copy of said list, and shall subscribe such copies, after which they shall cause the several copies to be delivered to the respective overseers of highways of the several districts in which the highway labor is assessed, and the acceptance of such list by any overseer to whom the same may be delivered, shall be deemed conclusive evidence that such overseer is duly chosen or appointed to such office, although the acceptance required by section eighteen, article two, title three, chapter eleven, has not been filed, as required by said section.

§ 2. This act shall take effect immediately.

Chap. 445.

AN ACT to incorporate the "African Civilization Society."

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators SECTION 1. Henry M. Wilson, Lewis W. Green, Henry H. Garnet, Benjamin W. Wilkins, Joseph C. Bustill, Peter S. Porter, Jeremiah W. Bowers, George W. Levere, Richard H. Cain, William Anderson, Samuel J. Howard, Amos G. Beman, David H. Vanderveer, Martin R. Delany and Junius C. Morel, and their successors in

office, are hereby constituted a body corporate and politic by the name of the "African Civilization Society," the object of which shall be the civilization and christianization of Africa, and of the descendants of African ancestors, in any portion of the earth wherever dispersed, and to promote the emigration to Africa of such colored persons as are carefully selected and well recommended as being practically qualified and suited to promote the development of christianity, morality, education, mechanical arts, agriculture, commerce, the self government and general improvement of the natives of Africa; also to receive, take charge of and disburse any property or funds which at any time and from time to time may be intrusted to said society for the purposes aforesaid.

§ 2. The said corporation shall possess the general powers and be subject to the provisions contained in title three of chapter eighteen of the first part of the Revised Statutes, so far as the same are applicable and have not been repealed or modified. Powers.

§ 3. The management and disposition of the affairs and funds of said corporation shall be vested in the individuals named in the first section of this act, and their successors in office, who shall remain in office for such period and be displaced and succeeded by others to be elected at such time and in such manner as the said corporation shall direct and appoint. Officers and term of office.

§ 4. The said corporation shall be in law capable of taking, receiving and holding any real or personal estate which has been or may hereafter be given, devised or bequeathed to it for the purposes, or which may accrue from the use of the same, but the said corporation shall not take and hold real and personal estate, within this State, above the value of two hundred thousand dollars. May hold real and personal property.

§ 5. This act shall take effect immediately.

Chap. 446.

AN ACT to amend an act to establish a free school in district number three in the town of Newtown, county of Queens, passed March 16th, 1850.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

School district established.

SECTION 1. School district number three in the town of Newtown, in the county of Queens, shall form a permanent school district, and shall not be subject to alteration by the school commissioner of the town in which said district is situated.

Board of education.

§ 2. The said district shall be under the control and direction of a board to be styled, "The Newtown board of education," which board shall consist of five members, three of whom shall constitute a quorum for the transaction of business. And it is hereby provided that the members of the present board who have been elected prior to the passage of this act, may remain in office during their unexpired terms; and they shall have and possess all the powers conferred by this act. One of said board shall retire each year in the order of their election respectively.

Election of officers and term of office.

§ 3. At the annual election which shall be held on the first Tuesday of March in each year, between the hours of five and eight o'clock P. M., at the school house or other convenient place in said district, there shall be elected for five years by the qualified voters of said district one member of said board of education, and also one inspector of common schools for one year. The election shall be held by three inspectors who shall have been elected at the preceding school election. But in all cases in which the said inspectors refuse or fail to act, inspectors shall be appointed in their place by the board of education. The voting shall be by ballot, and the ballots shall be indorsed, "Board of education, district number three." Said election, and all other elections provided for by this act, shall be held in the same manner as the annual election for village or State officers

THE BOARD OF EDUCATION—ITS DUTIES AND POWERS.

§ 4. The said board of education may make all necessary by-laws for their government; they shall have the entire control and management of all the common schools within the said district, and all the property belonging to the same; and they shall provide for keeping a school or schools in said district at least for six months in each year, and as much longer as practicable.

By-laws and powers.

§ 5. The said board shall appoint a collector who shall perform the duties and have the powers of a district collector, or they may employ the town or village collector for that purpose; and such collector shall collect and pay over the school moneys assessed upon said district, to the treasurer of the board of education in the same manner and under the same conditions as are imposed by the laws of the town or village of which he is collector.

Collector.

§ 6. The said board of education shall provide for and cause to be held not less than two public examinations of the pupils in each department of the schools by a competent person or persons of recognized ability, with a view to mark the proficiency attained by the scholars. They shall also provide for an examination of the teachers employed, and for all others who may apply for appointments to teach in the schools of the district, for the purpose of determining the grade and qualifications of such teachers. The examinations shall be made in accordance with such regulations as the board may adopt, with the concurrence of the school inspectors, and the results of all examinations shall be made known in writing by the authorized examiner, and shall accompany the report to be published annually by the said board of education.

Examination.

§ 7. The said board shall appoint one or more of its members a committee to visit the schools at least once in each week during the time they are in session, for the purpose of ascertaining if any, and what, supplies are needed, to see that the regulations are maintained and discipline properly enforced.

Visiting schools.

§ 8. Whenever additional school accommodations are required, the said board of education are hereby authorized and empowered to raise a sum not exceeding one thousand dollars by tax on said district, to be levied and

Additional school accommodations.

collected in the same manner as taxes are authorized by law to be levied and collected in towns of this State.

Levying
taxes.

§ 9. The said board of education are hereby authorized and empowered for the general purposes of this act, to levy and collect by tax in each year, upon the taxable property of said district, such sum as may be necessary, not exceeding in amount the sum of three-tenths of one per centum on the value of such taxable property as the same shall be assessed by the assessors of the town of Newtown; and the said board of education shall add to their warrant for the collection of such taxes, such amount as they may deem proper for fees for collection, not exceeding five per centum on the amount.

Moneys for
school pur-
poses.

§ 10. The commissioner of common schools in the said district shall pay over to the treasurer of the said board of education, all the moneys to which said district number three shall be entitled for school purposes.

District li-
brary.

§ 11. The said board of education shall have entire control and charge of the district library; they may appoint a librarian, and make additions to the library and such regulations for the management thereof as they may deem necessary.

Colored
children.

§ 12. A school for colored children may be organized whenever deemed expedient, or when a majority of the electors of said district shall so decide, and such school shall be maintained and provided for as other schools in said district.

Erection of
school-
houses.

§ 13. Whenever the said board of education shall deem it necessary to erect one or more school houses in said district, they shall submit the plans and estimated cost of such building to the electors of such district at a special meeting called for that purpose, and if a majority of such electors present shall vote in favor of the same, the said board may proceed to erect said school house or houses, and if the sums authorized to be raised by sections eight and nine of this act shall be insufficient to pay the cost of such buildings, then the said board shall raise and collect an additional sum annually, until the debt incurred is liquidated, not exceeding five hundred dollars, to be levied and collected as provided for in sections eight and nine of this act.

Monthly
meetings.

§ 14. The said board of education shall hold regular monthly meetings in the school house or other convenient

public place on the last Friday in every month, between the hours of six and ten o'clock P. M., which shall be open to the public for the purpose of hearing reports and the transactions of other business; but the said board may hold special meetings if deemed expedient; and whenever a special meeting shall be ordered, notices of the same shall be posted in at least five public places in said district, one week previously to said meeting, and no business shall be transacted at such special meeting, except that stated in the notice calling the same.

§ 15. The said board of education shall cause to be prepared, and shall submit in writing, annually, a full report of their proceedings; and shall state therein the number of teachers and others employed, their names, residences, and the salaries paid to each; the number of schools, and of pupils attending the same; the amount of school moneys received, and the expenditure of the same, and generally on all matters of interest relating to the schools in said district. The report shall be placed on record and preserved for future use, and shall also be printed (with the inspector's report) for the information of the tax-payers, in pamphlet form or be published in some newspaper published in the county.

Annual reports.

DUTIES AND POWERS OF THE SCHOOL INSPECTOR.

§ 16. The school inspector for said district number three shall take office on the first day of April following his election; he shall attend the regular and special meetings of the board of education, and may recommend or oppose any appropriation for school purposes, and confer with the board in the appointment of teachers and others, but shall not vote thereon; he shall visit the schools in his district at least four times in each year, for the purpose of ascertaining the condition of the school buildings and the different departments of the schools, and to report on the same:

School inspector; powers and duties.

First. In relation to their sanitary condition.

Second. The number in the classes and the studies pursued.

Third. The proficiency of the pupils.

Fourth. The attendance of teachers and scholars.

Fifth. The time of assembling and dismissing and the number and length of the recesses allowed.

It shall also be the duty of the inspector to oversee all

repairs made and to note the quality and quantity of supplies and materials furnished by the order of the board. He shall audit all bills or claims for salaries, repairs, materials, books, and supplies; which when so audited shall be paid by the treasurer of the said board of education. The inspector shall report annually the amount of school moneys received from the State as well as the amount raised in the district for school purposes, and also for what purposes the same has been expended, the accommodation afforded and the state of the school property; and also on all matters affecting the general condition and management of the schools in his district; and shall, in pursuance of his duties, recommend such changes, alterations and improvements as may seem to be required, and in his judgment sufficiently important to insure the better discipline, the proper economy, and to extend the usefulness of the schools.

Certificates
of election.

Vacancies
in office.

§ 17. Every person elected to the board of education or as inspector for said district number three, under this act, shall be entitled to receive and the inspectors of election shall give a certificate, stating the time for which such candidate has been elected and whether for the full term or to fill a vacancy, and every officer so elected shall within thirty days after said school election, file said certificate with the clerk of the board; and the office of every person neglecting or refusing so to do and every officer elected or appointed, remaining out of the district or neglecting to attend three successive meetings of the board of education, without satisfactory cause being shown for the same, shall be declared vacant, and the board shall proceed to fill such vacancies until the ensuing election.

No member
of board or
inspector to
be interest-
ed in con-
tracts.

§ 18. No member of the board of education, or inspector, elected or appointed under the provisions of this act, shall be or become directly or indirectly interested, by way of commission or otherwise, in any contract or undertaking for erecting new school houses, for the furnishing of any supplies of books or materials, or for the performing of any labor or work for any of the schools or buildings under their charge; nor shall the board hereafter employ or appoint any person to whom a salary is to be paid, who is within four degrees of relationship, by blood or marriage, to any member of said

Who not to
be employ-
ed.

board of education, unless by the unanimous vote of the said board.

§ 19. This act shall take effect immediately.

Chap. 447.

AN ACT to incorporate the Preble Water Company.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. David Jacobs, Caleb D. Kirmer, Thomas J. Howard, Matthias Van Hoesen. John Green, Edmund Kelly. Benton Capron, John J. Out, Seth P. Kelsey, and Horatio Van Buskirk, and all such persons as are or may hereafter be associated with them, are constituted a body corporate, by the name of the Preble Water Company.

Corporators

§ 2. The concerns of said corporation shall be managed by three directors, who shall reside in the said town and have an interest in said company, and who shall hold their offices for one year, and until others are chosen in their places. The directors shall be chosen annually on the first Monday of March, at such time of day and place in said town as the directors for the time being shall appoint. Each member of said company shall be entitled to one vote. David Jacobs, Thomas J. Howard and Matthias Van Hoesen shall be the first directors, and shall hold their offices until the first Monday of March, eighteen hundred and sixty-four, and until others are chosen in their places. In case of a vacancy in the direction, by reason of the death or resignation of any director, or by his removal from said town of Preble, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. If, at any time, an election of directors shall not take place on the day appointed by this act, the corporation shall not for that reason be dissolved, but an election may be held on any other day, in such manner as shall be provided by the by-laws or prescribed by the directors.

Directors
and term of
office.

Officers and
by-laws.

§ 3. The directors shall annually appoint a president, secretary, treasurer, and collector, and such other officers and agents as they shall, from time to time, deem necessary, and they may make and ordain such by-laws and regulations as they may deem necessary and proper for the management of their business and for accomplishing the purposes of this corporation.

May hold
real estate
and their
powers.

§ 4. And, for the purpose of supplying the several members of this corporation and those associated with them with water, the said corporation may purchase, take and hold real estate, and may take such water from two springs situate on lot number seventy-seven, in said town (one of said springs on the lands of John Shelden and one on the lands of Charles S. Dresser), with the consent of the owner or owners of such lands or springs, and divert and convey to the dwellings of the individuals belonging to this corporation and those associated with them; and may lay and construct or repair now laid and constructed any pipes, conduits, aqueducts, wells, reservoirs, or other works necessary for such purpose, upon any lands so entered upon, purchased, taken or held. Said corporation may, as aforesaid enter upon any lands, streets, highways, roads or public squares through which they may deem it proper to convey the water from said springs, and lay and construct any pipes, conduits, aqueducts or other works for that purpose, leaving the said lands, streets and highways in the same condition, as nearly as may be, as they were before said entry.

Rules and
regulations.

§ 5. The directors of said company may establish such rules and regulations for and concerning the conduct and government of all such persons as shall use the water from their works, so far as respects the preservation and use and restraining the water thereof, and may thereby impose penalties and forfeitures for any violations of such rules and regulations, so that such penalty or forfeiture shall not, in any case, exceed five dollars, which penalty or penalties may be recovered from the person or persons violating the said rules and regulations, with costs of suit, in any court having jurisdiction thereof.

Use of wa-
ter.

§ 6. The company may make any agreements, contracts, grants and leases for the sale, use and distribution of water that may be agreed upon between the company

and any individuals, corporations and associations, which agreements, contracts, grants and leases shall be valid and effectual in law.

§ 7. The company shall have full power to levy a tax on any or all persons using the water from said works, as they may deem proper and just, for the purpose of keeping said works in good repair, and to attach their warrant thereto, signed by a majority of the directors, authorizing their collector to collect the several sums in the same manner as the town collectors are authorized to collect taxes.

May levy
tax for use
of water.

§ 8. The corporation hereby created shall possess the powers and be subject to the provisions of title three, chapter eighteen of the first part of the Revised Statutes, so far as the same are applicable and not otherwise provided for in this act.

Revised
Statutes ap-
plied.

§ 9. This act shall take effect immediately.

Chap. 448.

AN ACT to incorporate "The Society for the Protection of Destitute Roman Catholic Children in the city of New York."

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Felix Ingoldsby, Charles A. Stetson, Eugene Kelly, Charles M. Connolly, Daniel Devlin, Andrew Carrigan, L. Silliman Ives, Edwd. C. Donnelly, Edward Frith, Henry J. Anderson, Joseph Fisher, Eugene Plunkett, John McMenomy, Donatien Binsse, Lewis J. White, John O'Brien, John Milhau, Bernard Amend, John E. Develin, Stephen J. Philbin, Florencio Escalante, John O'Connor, Henry L. Hognet, James Lynch, Frederick E. Gibert. Daniel O'Connor, and their successors, are hereby constituted a body corporate by the name of "The Society for the Protection of Destitute Roman Catholic Children in the city of New York," and by that name shall have the powers which by the third title of the eighteenth chapter of the first part of the Revised Statutes are declared to belong to corporations, and shall

Corporators

Powers.

have power to take real and personal estate by gift, devise or bequest subject to the limitations prescribed by law, but the annual income of such corporation shall not exceed the sum of twenty thousand dollars, nor be applied to any other purposes than those provided for by this act.

Board of managers.

§ 2. The affairs of the said corporation shall be managed and conducted by a board of twenty-six managers, and the persons named in the first section of this act as incorporators shall be the first board of managers of the said society. All vacancies which may happen in the board of managers shall be filled by an election to be held for that purpose under such regulations as may be provided for by the by-laws of the said corporation, at which all male persons of full age who shall have contributed within the previous year at least ten dollars to the funds of the corporation shall be entitled to one vote either personally or by proxy. Public notice of the time and place at which such election shall be held shall be given for at least fifteen days previously thereto, by publication in at least two daily newspapers published in said city.

Quorum.

§ 3. At all the meetings of the managers nine members of the board shall form a quorum for the transaction of ordinary business; but no purchase or conveyance of real estate, nor removal from or appointment to office nor election to fill a vacancy in the corporation, shall be made nor any by-law be adopted, amended or repealed without the presence of a majority of the managers.

Site for asylum.

§ 4. The said managers may procure suitable building sites and lands, and erect and maintain thereon an asylum with its requisite buildings for such children as, under this act, may be in the care of said corporation, and, until the permanent asylum shall be completed for use, the said managers may procure such temporary accommodations as may be necessary for their purposes.

§ 5. Such corporation may take and receive into its care:

Care of children.

1. Children under the age of fourteen years, who, by consent in writing of their parents or guardians, may be entrusted to it for protection or reformation.

2. Children between seven and fourteen years of age who may be committed to the care of such corporation as idle, truant, vicious or homeless children, by order of

any magistrate in the city of New York empowered by law to make committal of children for any such cause.

3. Children of the like age who may be transferred at the option of the commissioners of public charities and correction of the city of New York; to such corporation.

§ 6. The said corporation shall have power to place the children in their care at suitable employments, and cause them to be instructed in suitable branches of useful knowledge, and shall have power at discretion to bind out the said children, with their consent, as apprentices or servants, during minority or any less period, to such persons, and at such places, to learn such proper trades and employments as shall be judged most conducive to the future benefit and advantage of such children, and any person to whom any such child may be bound, shall execute a bond to the said corporation in a sufficient penal amount, conditioned for the good treatment of such child, and to instruct, or, cause to have him or her instructed, in reading, writing and arithmetic, and to give such child, at the expiration of his or her apprenticeship, at least one suit of new clothes and five dollars in money; and the said corporation may insert in the indentures of apprenticeship such clauses and agreements as the poor officers, authorized to bind out children, are empowered or required to insert in like indentures.

Care of
children.

§ 7. Children entrusted to this corporation by the voluntary act of their parents or guardians, shall be deemed to be in the lawful charge and custody of the said corporation; and such entrusting shall be evidenced by a writing in form substantially as follows, viz.:

Form of
writing be-
tween pa-
rents and
corporation

"I, A. B., father (mother or guardian, as the case may be.) of C. D., (a boy or girl,) aged years, born in , do hereby entrust to the "New York Society for the Protection of Destitute Roman Catholic Children in the city of New York," for the period of years, the entire charge, management and control of the said C. D., and do hereby assign to, and invest the said corporation with the same powers and control over the said C. D., as those of which I am possessed." In presence of

§ 8. Whenever any child above the age of seven and under the age of fourteen years, shall be brought by any policeman of the city of New York before any magistrate

Certain
children
found desti-
tute to be ta-
ken care of.

of said city, upon the allegation that such child was found in any way, street, highway or public place in said city, in the circumstances of want and suffering or abandonment, exposure or neglect, or of beggary, specified or defined in the eighteenth section of the act entitled "An act relative to the powers of the common council of the city of New York and the police and criminal courts of said city," passed January twenty-third, eighteen hundred and thirty-three, and it shall be proved to the satisfaction of such magistrate, by competent testimony, that such child is embraced within the said section, and it shall further appear, to the satisfaction of such magistrate, by competent testimony, or by the examination of the child, that, by reason of the neglect or vicious habits of the parents, or other lawful guardian of such child, it is a proper object for the care of this corporation, such magistrate, instead of committing such child to the alms house of said city, or such other place, if any, as may have been provided by the common council thereof, in his discretion, by warrant in writing under his hand, may commit such child to this corporation, to be and remain under its care, until therefrom discharged in manner prescribed by law; such commitment shall be by warrant, in substance as follows :

Regulation
concerning.

"To A. B., one of the policemen of the city of New York : You are hereby commanded to take charge of C. D., a child under the age of fourteen and above the age of seven years, who has been proved to me, by competent evidence, to be embraced within the eighteenth section of the act entitled 'An act relative to the powers of the common council of the city of New York, and the police and criminal courts of said city,' approved January twenty-third, eighteen hundred and thirty-three, and who also appears to my satisfaction to be a proper object for the care of the corporation, created by an act entitled 'An act to incorporate the Society for the Protection of Destitute Roman Catholic Children in the city of New York,' and to deliver the said child, without delay, to the said corporation, at its house of reception in this city, and, for so doing, this shall be your sufficient warrant.

Dated this day of , eighteen ."

Duty of po-
liceman.

§ 9. An order so made by any such magistrate, shall be executed by any policeman to whom it shall be de-

livered by the magistrate, by conveying the child therein named to the house of reception to be established by this corporation, and such child shall be detained in such house of reception until discharged or removed therefrom in the manner hereinafter provided.

§ 10. Immediately upon the making of any such order the magistrate making the same shall deliver to a policeman of the city, especially detailed for that service, a notice, in writing, addressed to the father of such child, if its father be living and resident within the city, and, if not, then to its mother, if she be living and so resident, and, if there be no father or mother of such child resident within the city, then, addressed to the lawful guardian of such child, if any, or to the person with whom, according to the examination of the child, and the testimony, if any, received by such magistrate, such child shall reside, in which notice the party to whom the same is addressed shall be informed of the commitment of such child to the house of reception of this corporation, and shall be notified that, unless taken therefrom in the manner prescribed by law, within twenty days after the service of such notice, the child therein named will be committed to the asylum of this corporation.

Notice to be served on parent of child or its guardian.

§ 11. Such notice shall be served by the policeman detailed for that service, by delivering the same to the party to whom it shall have been addressed, personally, or by leaving it with some person of sufficient age at the place of residence or business of such party; and it shall be the duty of such policeman immediately to report the fact, and the time and manner of such service, to the magistrate, and enter in a book to be provided for that purpose, and kept at the house of reception of said corporation, the fact of having served such notice, the time and manner of such service; and the record of such fact shall in all cases be evidence of the proper service of such notice. Whenever, after careful and diligent search and inquiry, the policeman, whose duty it was to serve the notice above described shall not have found either the father, mother, legal guardian or person with whom, according to the examination of the child, and the testimony, if any, received by such magistrate, such child shall have resided, it shall be the duty of the superintendent of the house of reception to cause the following

Manner of service.

notice, with blanks properly filled up, to be posted up in a conspicuous place in the police station house nearest the alleged residence of the child, viz.:

Form of notice.

NOTICE—This is to certify that a child of about the age of years, hair, eyes, complexion, in height, and said to be of descent, was on the day of eighteen committed by to the house of reception of "The Society for the Protection of Destitute Roman Catholic Children in the city of New York," and that after careful search and inquiry made by , neither the parent, legal guardians, nor persons with whom said is alleged to have resided, can be found.

New York, eighteen .

Superintendent.

And the posting of said notice, as above required, shall be deemed as equivalent to having duly served it on the parent or guardian, or person with whom the child alleged he or she had resided, in cases where they or either of them could be found.

When child to be delivered to parent or guardian.

§ 12. If the party to whom any such notice shall have been addressed, or any other person, shall within the time therein specified, prove to the satisfaction of the committing magistrate, that the circumstances of want and suffering, or other circumstances above described, under which such child shall have been found, have not been occasioned by the habitual neglect or misconduct of the parents or lawful guardian of such child, then it shall be the duty of such magistrate, by order in writing, addressed to the superintendent of the house of reception of this corporation to direct such superintendent to deliver such child to the custody of the party named in such order, who shall thereupon be entitled to take such child from the said house of reception.

When child to be removed from house of reception to the asylum.

§ 13. If such proof shall not be produced within the time above prescribed, it shall be the duty of the magistrate by whom the child shall have been committed to the house of reception, to make and transmit to the superintendent thereof, a notice in writing to that effect, and thereupon the child named in such notice shall be removed from such house of reception to the asylum of this corporation. Whenever the parent, guardian, or next of kin of any child between the ages of seven and fourteen years, about to be finally committed for any of

the causes specified in the preceding sections of this act, shall request the magistrate to commit such child to said corporation, it shall be the duty of such magistrate so to commit such child.

§ 14. If, at any time after a child shall have been committed to the said corporation, as above provided for in this act, it shall be made to appear to the satisfaction of the said corporation that such child was, on insufficient cause, false or deficient testimony, or otherwise wrongfully or improvidently so committed, the said corporation shall, on the application of the parents, guardians, or other protector of such child, discharge the child from the said asylum, and restore it to such parents, guardian, or protector; and, also, if after a child shall have been properly committed to the said corporation, by virtue and in pursuance of the provisions of this act, any circumstances should occur, that, in the judgment of the said corporation would render expedient and proper a discharge of such child from the said asylum, having a due regard to the welfare of the child, the said corporation, on the application of the parents, guardian, or protector of such child, may, at discretion, discharge the child from the said asylum, and restore it to its parents, guardian, or protector, on such reasonable conditions as the said corporation may deem right and proper.

When child to be discharged from asylum.

§ 15. Whenever any child intrusted or committed to the charge of said corporation shall, by the commission of any infamous crime, or by confirmed evil habits, have become so degraded and debased, in the opinion of the said corporation, as to be an improper subject for its care, the said corporation shall have power to return such child to the committing magistrate, or other proper authorities, to be disposed of in due course of law.

When child to be returned to committing magistrate.

§ 16. This corporation shall be the guardian of every child, bound or held for service, by virtue and in pursuance of the provisions of this act. It shall take care that the terms of the contract be faithfully fulfilled, and that such person be properly treated; and it is hereby made its special duty to inquire into the treatment of every such child, and redress any grievance in manner prescribed by law. And it shall be the duty of the master or his assignee, to whom any such child shall be bound to service, and he shall, by the terms of the in-

Corporation, the guardian of every child it binds to service.

Report to
be made
by the mas-
ter.

denture, be required, as often as once in every six months, to report to the said corporation the conduct and behavior of the said apprentice or child so bound to service, and whether such apprentice is still living under the care of the person to whom he was originally bound, and, if not, where else he or she may be.

Corpora-
tion to re-
port to le-
gisla-
ture
annually.

§ 17. The said corporation shall, on or before the fourth Monday of January, in each and every year, make a detailed report to the legislature of the State, and to the common council of the city of New York, of the whole number of children received into the asylum during the year, specifying their name, sex, place of nativity, age, residence, health at the time of admission, religion of parents, state of education, religious instruction, whether their parents are living or dead, temperate or intemperate, the time devoted to instruction, the nature and amount of punishment, the cases of disease, the number apprenticed or who shall have escaped, died or been restored to parents or guardians, or returned to the committing magistrate during the year, and also such information as may have been received of those who have been bound out or apprenticed, as well as the facts generally in relation to the performance of their duties, also their industrial occupations, with the results thereof, the receipts and expenditures and financial condition of the corporation and its general operations, with the results thereof.

Duty of
common
council.

§ 18. It shall be the duty of the common council of the city of New York, by committee or otherwise in its discretion, to visit and inspect the said asylum of said corporation, twice at least in each year, and the mayor, recorder and comptroller of the said city shall be, *ex-officio*, managers of the said institution.

§ 19. This act shall take effect immediately.

Chap. 449.

AN ACT to repeal the act (so much as relates to Warren county) to revive an act to provide for laying out and constructing the Hamilton and Warren county road, passed April twelfth, eighteen hundred and sixty.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter three hundred and thirteen of the Laws of one thousand eight hundred and sixty, entitled "An act to revive an act to provide for laying out and constructing the Hamilton and Warren county road," is hereby repealed (so much as relates to Warren county).

Chap. 450.

AN ACT to amend chapter four hundred and nine of the Laws of 1862, passed April 21, entitled "An act to confirm and make valid a certain ordinance of the common council of the city of New York," passed November 27, 1855.

Passed May 5, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section second of an act entitled "An act to confirm and make valid a certain ordinance of the common council of the city of New York," passed November 27, 1855, is hereby amended so as to read as follows :

"The comptroller of the city of New York is hereby authorized to audit the account and ascertain the amount of money equitably due to the contractor or person who executed said work, and to draw his warrant for the payment of the same."

§ 2. This act shall take effect immediately.

Chap. 451.

AN ACT in relation to the Antwerp Liberal Literary Institute, at Antwerp.

Passed May 5, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certain mortgage to be released on certain conditions.

Commissioners of land office.

SECTION 1. The town of Antwerp, in the county of Jefferson, having raised, under the provisions of chapter two hundred and seventy of the Laws of eighteen hundred and fifty-seven, for the endowment of the Antwerp Liberal Literary Institute, at Antwerp aforesaid, a sum equal to the moneys loaned to said Institute, under the provisions of chapter three hundred and ninety-three of the Laws of eighteen hundred and sixty, and the moneys so loaned having been expended by said trustees for the final completion of the buildings of said Institute, as required in such loan, and the moneys so raised upon said town having been also expended by the said trustees in the buildings of the said Institute, the mortgage given for such loan, aforesaid, on the site and grounds of said Institute, and covering the buildings thereon, is hereby released by the State to the trustees of the said Institute, provided the commissioners of the land office are satisfied that there is no other incumbrance on said premises on the following conditions:

1st. The said premises and property so released shall not in any way be aliened, mortgaged, incumbered, or the title thereto impaired or affected by any act or omission of the said trustees, and the said trustees shall not have power to alien, mortgage or encumber the same, to the end that the same may be preserved in perpetuity for educational purposes.

2d. The buildings on the said premises shall be kept insured by the said trustees, against loss by fire, in the sum of six thousand dollars, or for their fair insurable value, and in two policies of equal amounts each. the one to be assigned to the commissioners of the land office and the other to the supervisor of said town, and the insurance continued in all respects to the satisfaction of said commissioners and said supervisor; the amount of

the insurance, in case of total loss; to be paid on the policy held by said commissioners, to the State, and on the policy held by the said supervisor, to the said town; but in case of partial loss, to be applied to repair the buildings, in the discretion of the said commissioners and the said supervisor.

3d. The said buildings, with the outhouses, fences and grounds shall be kept in good and sufficient repair and condition by the said trustees, to the satisfaction of the said commissioners of the land office.

4th. All charges and assessments on said premises for road taxes, streets, sewers, and all local improvements, shall be paid and kept discharged by the said trustees.

§ 2. The commissioners of the land office shall have the absolute right to determine whether any breach of the above conditions or any of them has occurred; and if they shall be of the opinion, at any time, that any substantial breach of the said conditions or any of them has occurred, the said commissioners, unless it be excused, shall have the right to foreclose said mortgage, in like manner as if this act had not been passed.

Authority
of commis-
sioners of
land office.

§ 3. The amount now due on the loan made by the State to the said Institute, as aforesaid, shall be paid out of the general fund to the common school fund.

Common
school fund.

§ 4. This act shall take effect immediately.

Chap. 452.

AN ACT to amend an act entitled "An act for carrying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county for that purpose," passed April twenty-first, one thousand eight hundred and sixty-two.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. William McEachron, of the county of Washington, Robert G. Ostrander, of the county of

Commis-
sioners to
lay out
highways.

Hamilton, and Joseph Fellows, of the city of Albany, are hereby appointed commissioners to lay out a public highway, commencing at a point on the north side of the west branch of the Sacandaga river, at or near the line between township-number one and the Oxbow tract, in the county of Hamilton, and running up said river, or as near thereto as practicable, to the saw mill on the outlet of Piseco lake, with two branches from said outlet, one westerly to the Morehouse road, the other southerly to Allen's farm house, and to lay out and construct and repair any and all other roads in the town of Arietta, in said county, and all the highway tax already assessed, or which may hereafter be assessed, and also all moneys heretofore levied on the following non-resident lands, not heretofore paid into the comptroller's office and not already expended, shall be applied by the commissioners appointed under this act and their successors to the construction and repair of said highways, viz.: All the lands in the Oxbow tract and the southwest quarter of township number one, in Totten and Crossfield's purchase, in said county of Hamilton, and on all other non-resident lands in the said town of Arietta.

Commissioners to ascertain damages of owners of lands.

§ 2. The damages sustained by any and all owners or occupants of lands, by reason of laying out said roads shall be caused to be ascertained by the commissioners appointed by this act, and such as may be substituted by the treasurer of Hamilton county in the place of such as may die, refuse or neglect to serve in the manner prescribed by the fifth and sixth sections of the act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county expenses, passed December fourteenth, one thousand eight hundred and forty-seven, or which may be otherwise substituted by law.

When road to be opened.

§ 3. When said damages are assessed as above provided, it shall be the duty of said commissioners of highways of the several towns through which said highways run to cause the same to be opened and worked within three years.

When highway taxes upon non-resident lands to be paid to comptroller

§ 4. The county treasurer of said county of Hamilton shall pay over to the comptroller, when he makes his annual return of the arrears of taxes, the amount of any highway taxes assessed upon said non-resident lands

which may have been paid over to the said treasurer, and the comptroller shall pay over annually all such moneys so received by him to said commissioners, and all unexpended moneys in the hands of the highway commissioners or any former commissioner or commissioners of said town arising from non-resident lands, or which may come to them or any of their hands, the commissioners which are or may be appointed under this act shall demand, have and receive, or recover by action in their official character, of and from any commissioner or commissioners of highways of said town of Arietta, now or lately in office, having, or who may hereafter have, any such money. Such actions may be brought in any court having jurisdiction.

§ 5. If the officers, or any of them, whose duty it shall be to assess the highway tax on said lands mentioned in the first section of this act, shall omit to make any assessment of the same, the commissioners appointed by this act, or their successors, shall make such assessment, and the tax so assessed by said commissioners shall be as valid in all respects, and shall be collected in the same manner as other highway taxes on non-resident lands are collected.

When commissioners to assess highway tax.

§ 6. The said commissioners shall have power to expend the highway tax assessed on the lands mentioned in the first section of this act, in laying out, constructing and keeping in repair said roads.

Application of highway tax.

§ 7. The said commissioners shall give a bond, with satisfactory sureties, to the treasurer of the county of Hamilton, in the sum of one thousand dollars, for the faithful performance of their duties before entering upon the discharge thereof.

Commissioners to give bond.

§ 8. The said commissioners shall render to the treasurer of the county of Hamilton annually before the first day of December in each year an exhibit of their expenditures, with the necessary vouchers for the same.

Commissioners to account for moneys.

§ 9. The treasurer of the county of Hamilton shall have power to fill all vacancies that shall occur in the office of said commissioners for any cause.

Treasurer may fill vacancies.

§ 10. The said commissioners shall be paid and receive for their services one dollar and fifty cents for each day actually employed in the performance of their duties.

Pay of commissioners.

§ 11. This act shall take effect immediately, and continue in force three years.

Chap. 453.

AN ACT to authorize the Mayor, Aldermen and Commonalty of the city of Albany to establish a grade for, and to grade, excavate, fill, level, pave, repair and drain that portion of Patroon street or Clinton avenue which lies adjoining the north bounds of the city of Albany.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor, aldermen and commonalty of the city of Albany are hereby authorized and empowered to order and direct the establishment of a grade, and the grading, excavating, filling, leveling, paving, macadamizing, repairing and draining of the portion of Patroon street or Clinton avenue which lies adjoining the north bounds of the city of Albany, in the town of Watervliet, as far west as a line drawn at right angles across said street, from the intersection of the north line of the city of Albany, and the south line of the Albany and Schenectady turnpike road.

§ 2. Whenever the said mayor, aldermen and commonalty shall pass any law or ordinance directing said street or avenue to be graded, excavated, leveled, filled, paved, repaved, planked, macadamized, or directing the making, repairing or cleansing of any sewers, vaults or drains in said street, the same shall be completed under the direction of the said mayor, aldermen and commonalty, within such time as to them shall seem proper; and upon the completion of any of the improvements aforesaid, it shall be the duty of the said mayor, aldermen and commonalty to cause an account of and for such expense as may have been incurred for any of the improvements above specified, to be made by the city superintendent, or by such other person or persons as may be appointed by the said mayor, aldermen and commonalty, which said account shall embrace the whole expense for work, labor, service

and materials found; and when thus made out, the amount of such account for the improvements aforesaid, or any of them, together with the expense of the proceedings, shall be apportioned by said superintendent, or by such other disinterested person or persons, not exceeding three, under his or their oath or oaths, among all the houses and lots intended to be benefited thereby, in proportion to the advantages which each shall be deemed to acquire, specifying in said apportionment the name or names of the owner or owners, occupant or occupants, of the houses or lots intended to be benefited, as far as the nature of the case will admit, provided that no house or houses or lots shall be assessed for a greater sum than the actual expense incurred for making the improvements aforesaid in front of the same; and when such apportionment shall be completed, the same shall be returned to the mayor, aldermen and commonalty of the city of Albany; and when thus returned, the same proceedings shall be had as are provided, authorized and directed in chapter two hundred and seventy-five of the Laws of eighteen hundred and forty-two, and all of the provisions of said chapter in relation to the assessment and the collection of the expenses of grading, leveling, excavating, filling, paving, repaving, planking, macadamizing, or of the expense of making, repairing and cleansing any sewers, vaults or drains in said street, are hereby made applicable to all lands and property which may be benefited by any of the improvements aforesaid, and lying outside of the corporate limits of said city, as well as to lands so benefited, and lying within such corporate limits.

§ 3. All the houses and lots on the north side of Patroon street or Clinton avenue, and extending nine chains and sixteen links northerly therefrom, are hereby declared to be, and are made, exempt from the levy and collection of road and highway labor tax, now imposed and collected by law and the authorities of the town of Watervliet.

§ 4. The mayor, aldermen and commonalty of the city of Albany are hereby authorized and empowered to grant to the several owners of the lots fronting Patroon street or Clinton avenue the privilege of inclosing a portion of said street, not exceeding thirty feet in width, to be used as a court yard, and for no other purpose, and to fence

the same with a neat and substantial open fence, not exceeding four feet high.

§ 5. This act shall take effect immediately.

Chap. 454.

AN ACT in relation to non-resident highway taxes upon certain lands in the counties of Essex and Hamilton.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Road district and commissioners.

SECTION 1. Townships number twenty, twenty-eight, fifty, forty-six, forty-seven, eighteen, twenty-seven, sixteen, twenty-six and thirty, in Totten and Crossfield's purchase, in the counties of Essex and Hamilton, are hereby constituted a road district; and George F. Houghton, of the county of Hamilton, and Daniel C. Chase and Wesley Barnes, of the county of Essex, are hereby appointed commissioners to lay out roads and expend the highway tax assessed in said road district.

Treasurers of county to pay money to comptroller.

§ 2. The county treasurers of the counties of Essex and Hamilton shall pay over to the comptroller, when they make their annual return of the arrears of taxes, the amount of any highway taxes assessed upon any of said townships which may have been paid to the said treasurers, and the comptroller shall pay over annually all such moneys so received by him to said commissioners, or any two of them.

Laying out of road.

§ 3. The said commissioners shall have power to lay out a road in said road district, extending from near the house of Michael Lynch, in the town of Minerva, to near the Tahaus house, at the lower iron works in the town of Newcomb, by the most direct and feasible route, and to expend the highway tax assessed in said road district as they shall deem best for the interest of the State.

When commissioners to assess tax.

§ 4. If the officers, or any of them whose duty it shall be to assess the highway tax in said road district, shall omit to make any assessment of the same, the commissioners appointed by this act shall make such assessment, and the tax so assessed by said commissioners shall be as

valid in all respects, and shall be collected in the same manner as other highway taxes on non-resident land are collected.

§ 5. The said commissioners shall give a bond with satisfactory sureties to the treasurer of the county of Essex in the sum of one thousand dollars, for the faithful performance of their duties before entering upon the discharge thereof.

Bond of
commis-
sioners.

§ 6. The commissioners shall render to the treasurer of the county of Essex annually, on or before the first day of December, an exhibit of their expenditures, with the necessary vouchers for the same.

Report of
commis-
sioners.

§ 7. The treasurer of the county of Essex shall fill all vacancies in the office of the said commissioners caused by the death, resignation, removal from the State, refusal to serve of the said commissioners, or any other cause.

Treasurer
to fill vacan-
cies.

§ 8. The said commissioners shall be paid and receive one dollar and fifty cents per day, for each day's service actually performed, and their necessary expenses incurred in the discharge of their duties under this act.

Pay of com-
missioners.

§ 9. It shall be the duty of the comptroller to pay to the said commissioners, or any two of them, all highway moneys now remaining in his hands, if any, which may have been assessed on townships number sixteen, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight and fifty, north-half of fourteenth in Totten and Crossfield's purchase, in the counties of Essex, Hamilton and Warren.

Money to
be paid to
commis-
sioners.

§ 10. This act shall take effect immediately, and remain in force six years.

Chap. 455.

AN ACT directing the July general term of the supreme court in the fifth judicial district, in the year eighteen hundred and sixty-three, to be held on the first Tuesday of July in said year.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The general term of the supreme court in and for the fifth judicial district, which has been ap-

pointed to be held at the city of Oswego on the second Tuesday of July, eighteen hundred and sixty-three, shall be held at the same place on the first Tuesday of July, eighteen hundred and sixty-three, instead of the said second Tuesday of July.

§ 2. Notes of issue shall be filed and the calendar for such general term shall be made up for the said first Tuesday, instead of the second Tuesday of July; and all orders to show cause, or otherwise, shall be returnable on the said first mentioned day.

§ 8. This act shall take effect immediately.

Chap. 456.

AN ACT to provide for the recording of the stamps of the United States internal revenue, and for the certifying of the same when affixed to any instrument, and other purposes.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When revenue stamps to be recorded.

SECTION 1. Whenever, to any instrument of writing, which may, by the provisions of law, be recorded in any public office, there shall have been affixed any stamp or stamps of the United States internal revenue, the officer whose duty it is to record such instrument of writing shall also record such stamp or stamps in connection with the record of such instrument.

When certified copy of stamp evidence.

§ 2. Whenever, to any record, document or other paper, a certified copy of which is declared by law to be evidence, there shall have been affixed a stamp or stamps of the United States internal revenue, a certified copy of such stamp or stamps is hereby declared to be evidence, if the copy of such stamp or stamps shall be certified by the clerk or officer in whose custody such record, document or other paper is by law required to be, to have been compared by him with the original, and to be a correct transcript from the written or printed part thereof, and of the whole of such written or printed part; and if such officer have an official seal by law, such certificate shall be attested by such seal.

§ 3. Any public officer who shall be required by law to affix to any certificate or other instrument, in writing, made or issued by him, any stamp, shall be entitled to charge and collect the price thereof, in addition to any fees or other compensation which he is now by law entitled to charge or receive, to be paid by the person for whose benefit such certificate or other instrument, in writing, is made or issued by such officer.

When public officer may charge for stamp.

§ 4. This act shall take effect immediately.

Chap. 457.

AN ACT to release to Aaron Schofield the interest of the State in certain lands in the city of Brooklyn, conveyed to him by John A. Betts and wife.

Passed May 5, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the estate, right, title and interest which the people of the State of New York have in or to certain lands, premises and real estate in the city of Brooklyn, in Kings county, in this State, described in a certain deed, made and executed by Owen McCabe and Ann McCabe his wife, to Valentine Hendrickson, bearing date June twenty-nine, eighteen hundred and fifty-three, and recorded in the office of the register of deeds in and for the county of Kings, in liber three hundred and thirty-one of conveyances, at page two hundred and eleven, August second, eighteen hundred and fifty-three, are hereby released unto Aaron Schofield, his heirs and assigns. The following is a description of said lands, premises and real estate, taken from said deed, to wit :

"All that certain lot, piece or parcel of land, situate, lying and being in the ninth ward of the city of Brooklyn, aforesaid, known and distinguished on a certain map entitled 'Map of land in the city of Brooklyn, formerly belonging to Cornelius Van Cleet, and by him conveyed to Anson Blake and Hunn C. Beach,' surveyed by Willard Day, city surveyor, Brooklyn, December first,

eighteen hundred and forty-one, and filed in Kings county clerk's office, April first, eighteen hundred and forty-two, as and by the number fifty-two, which is bounded and described as follows: Commencing at a point on the southerly line of the land of the Brooklyn and Jamaica Railroad Company, which said point is distant four hundred feet easterly from the easterly line of Vanderbilt avenue, running thence easterly along the lands of the said railroad company twenty-five feet to lot number fifty-four on said map; thence southerly along said last mentioned lot one hundred feet; thence westerly twenty-five feet to lot number fifty on said map, and thence northerly along said last mentioned lot one hundred feet to the point and place of beginning; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining."

§ 2. This act shall take effect immediately.

Chap. 458.

AN ACT amending the charter of the village of Glens Falls, and empowering the trustees thereof to supply said village with pure and wholesome water.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
may hold
real estate.

SECTION 1. For the purpose of supplying the village of Glens Falls with pure and wholesome water, the said village, through their trustees, may purchase, take and hold real estate, and by their said trustees, agents, servants or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purpose, and may take the water from springs, ponds, fountains or streams, and divert and convey the same to said village; and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs or other works or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or

held. Said corporation may, as aforesaid, enter upon any lands, streets, highways, roads, lanes or public squares through which they may deem it proper to convey the water from said springs, fountains, ponds, streams, wells and reservoirs, and lay and construct any pipes, conduits, aqueducts or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, as nearly as may be, as they were before said entry; but the said corporation shall not, within the bounds of said village, lay and construct said pipes, conduits, aqueducts and other works through any private garden, court-yard or building lot, without the consent of the owner thereof.

§ 2. Before entering, taking or using any land for the purposes of this act, the said trustees shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of each owner or occupant intended to be taken or used, shall be designated, and which map shall be signed by the engineer or surveyor making the same, and by the president of the board of trustees, and be filed in the office of the clerk of the county of Warren.

Survey and map to be made.

§ 3. In case the said corporation cannot agree with the said owners and occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, the said trustees may apply to the supreme court, at any general or special term thereof, held in the fourth judicial district, for the appointment of three commissioners, not resident within the corporate bounds of said village, or tax-payers therein, by whom the compensation to be paid for the damages suffered or to be suffered by any person or persons, by reason of taking said lands and water, and constructing any of the works of said company, shall be ascertained and determined; and in case of the death, resignation, refusal or disability to act, of any of said commissioners, the said court may appoint others in their places. The commissioners shall cause a notice of at least twenty days of the time and place of their meeting, to be served upon such of the owners of said land and water as can be found in this State, which may be served personally, or, in their absence from their dwellings or places of business, by leaving the same thereat, with some person of suitable age and discretion.

When commissioners to be appointed to ascertain damages and proceedings thereon.

And in case of any legal disability of such owner to act, then upon serving notice in like manner upon his or her guardian, or person appointed to act for him or her, as hereinafter directed, and in case any of said owners cannot be found in this State, such notice shall be given to them by publishing the same for six weeks successively, in a newspaper published in said county; and if any of said owners shall be insane, infants or idiots, the said court shall appoint some suitable person to attend in their behalf, before said commissioners, and take care of their interests in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they or any of them may administer the usual oath or affirmation to such witnesses. They shall make a written report of all their proceedings, containing the testimony taken by them, and showing the sum awarded to each owner or other person, and return the same to the said court to be filed of record. The corporation shall pay to each commissioner the sum of three dollars per day for every day necessarily spent by him in the performance of his duties, and to each witness who the commissioners shall certify was necessarily subpoenaed, and who attended, the same fees fixed by law to be paid to witnesses in courts of record in civil causes.

Appeal
therefrom
to supreme
court.

§ 4. The said corporation, or any party to the proceedings of the commissioners, may appeal to the supreme court from any award or determination of the commissioners, provided the party appealing shall within ten days after any such award shall be made, give notice in writing of the appeal, to the other party or parties interested in the same, or to his or their attorney, and the said court shall, at general term, on the usual notice on appeal, upon the report of the commissioners, proceed to hear the said appeal and may confirm said proceedings of said commissioners, or set the same aside and order a new appraisement by the same or other commissioners to be appointed by the court; and the said court may make such orders in reference to the proceedings of the commissioners and of the notices to be given to parties as may not be inconsistent with this act, and as the nature of the case and the interest of the parties may require.

When lands
may be en-
tered upon.

§ 5. Upon the payment, or legal tender, of the compensation finally awarded as aforesaid, the said corpora-

tion shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered as aforesaid, and to hold and use the same for the said purposes, to them and their successors forever. If any person to whom compensation shall be awarded, or who shall be entitled to the same by virtue of said award, cannot be found, or shall refuse to receive the sum awarded to him or her, then the said payment may be made by depositing the amount of said award to the credit of said person in either of the banks at Glens Falls; and a certificate of such deposit, signed by the cashier of the bank, shall be published by said corporation in a newspaper published in said county for four weeks successively, immediately after said deposit. If the person, to whom compensation is awarded, or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to his or her guardian, or person appointed as aforesaid by the said court; and if said guardian or person appointed cannot be found, then by deposit in bank as aforesaid.

§ 6. The said corporation shall also take and hold, for the purposes contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon and take by virtue hereof.

When lands may be entered upon.

§ 7. The said corporation may establish rules and regulations for and concerning the conduct and government of all such persons as shall use the said water from their works, so far as respects the preservation, use, and restraining the use, and compensation for the use thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, not inconsistent with the laws of this State. Said rules and regulations shall be published for three weeks successively in a newspaper published in said village, and a copy of said rules and regulations, certified by the president of the board of trustees of said village, with affidavit of the publication of the same as aforesaid, made by the publisher of said paper, or by a foreman in his office, shall be received as evidence in all courts and places.

Rules relating to use of water.

§ 8. Any person who shall maliciously or willfully destroy or injure any of the works or property of said corporation, or who shall maliciously or willfully com-

Injury to works a misdemeanor.

mit any act which shall injuriously affect or tend thus to affect the water of said corporation, shall be guilty of a misdemeanor.

Trustees
may borrow
money.

§ 9. The trustees of said village are hereby authorized to borrow, on the credit of said village, for carrying out the purposes contemplated in this act, a sum of money not exceeding thirty thousand dollars, and for that purpose may issue bonds or certificates of indebtedness in the name and under the seal of said corporation, signed by the president of the board of trustees and the treasurer of said corporation, in sums of not less than five hundred dollars each, payable twenty years from the date thereof, with interest payable annually.

Tax may be
levied to
pay same.

§ 10. Due provision shall be made by tax for the payment of the principal and interest falling due on all said bonds or certificates of indebtedness, and such principal and interest shall be assessed, levied and raised in the same manner as any other public or general tax of said village, and in conjunction with the general taxes of said village.

Power of
trustees.

§ 11. The concerns and business of said corporation, contemplated by the provisions of this act, shall be managed and transacted by the trustees of said village, who are hereby vested with full power and authority in the premises.

§ 12. This act shall take effect immediately.

Chap. 459.

AN ACT in relation to the Hancock Union School.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Districts
Nos. 1 and 9
consolidated.

SECTION 1. School districts numbers one and nine of the town of Hancock, in the county of Delaware, are hereby consolidated for the purposes hereinafter specified, and shall hereafter form one school district, to be called "The Hancock Union School."

Corporators

§ 2. Albert G. Beebee, Edmund B. Smith, Charles P. Jewel, Samuel C. Pettingill, Charles Cresson and Stedman Lincoln and their successors in office to be elected

as hereinafter mentioned, are hereby constituted a body corporate by the name of "The board of education of the Hancock union school," and shall hold their offices until others are elected in their place, and shall have duly qualified.

§ 3. The said board of education shall be divided into three classes, each class to contain two members, and shall determine by lot their respective terms of office, so that the first class shall serve until the first annual meeting of the said district then ensuing, the second class until the second, and the third class until the third annual meeting thereafter. The first annual meeting of said district shall be held on the second Tuesday of August, eighteen hundred and sixty-three, and annually thereafter on that day or such other day as the said board may direct, at which said annual meeting respectively there shall be elected by ballot for three years, by the qualified electors of said district then present, two members of said board of education, who shall be residents and taxable inhabitants of said district, and shall respectively within six days after the notice of their election, take the oath of office prescribed by the Constitution of this State and file the same with the secretary of the said board; and any member of said board shall be eligible for re-election.

Board of education and meetings thereof, annually.

Election of members.

§ 4. The board shall have power, and it shall be their duty to fill all vacancies occurring therein from any other cause than the expiration of their term of office. The members so appointed shall hold their offices for the unexpired term of those to fill whose places they may be appointed; any member of said board may resign for cause, and his resignation may be accepted by the president of the board, if the cause be deemed by the president to be sufficient.

Vacancies.

§ 5. Any member of the board may be removed from office by the other members of said board for neglect of duty, or other misconduct, by a vote of two-thirds present at any regularly called meeting thereof; but before final action thereon, a written copy of the charges preferred against such member shall be served upon him, and he shall be allowed an opportunity to explain or refute the same.

Removal from office.

President
of board.

§ 6. At the first meeting of the board, and at each annual meeting thereafter, they shall elect one of their number president of the board, and at any meeting when he shall be absent or unable to act, they shall elect a president *pro tempore*; and the members of the said board shall not receive any compensation for their services.

Monthly
and special
meetings.

§ 7. The board shall meet for the transaction of business at least once in each month, and may adjourn for any shorter time. Special meetings may be called by the president, or in his absence, by any two members of the board, by giving personal notice to each member of the board or leaving a written notice thereof at his residence at least twenty-four hours before the hour for such meeting.

Officers to
be appoint-
ed.

§ 8. The board shall appoint a secretary, librarian, treasurer and collector, who shall hold their offices during the pleasure of the board, with such salaries respectively as they shall determine, and the same person may hold the offices of secretary and librarian. The secretary shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe. The librarian shall have charge of the library.

Records
made evi-
dence.

§ 9. The records of the board, or a transcript thereof, certified by the secretary, and verified by his oath, shall be received in all courts as *prima facie* evidence of the facts therein set forth, and all books and papers of the board shall be subject to the inspection of any resident of said district.

Tax to be
levied and
purposes
thereof.

§ 10. The board of education shall have power, and it shall be their duty to raise from time to time, by tax to be levied upon all the real and personal estates in said district which shall be liable to taxation for town or county charges, such sums as may be deemed necessary and proper, not exceeding one hundred dollars for any or all the purposes in this section specified, except for the payment of teachers' wages for the current year, and no greater amount shall be levied for any or all of said purposes except for the payment of teachers' wages in any one year, except by a vote of a majority of the inhabitants of said district entitled to vote in common school district meetings, at a meeting called for that purpose, written or printed notices whereof, specifying the object of the meeting and the time and place, when and where

the same will be held, signed by the president of the board, shall be posted in at least twelve public places in said district for at least one month previous to said meeting:

1. To purchase, lease or improve sites for school houses.

2. To build, purchase, lease, alter and repair school house, outhouses and appurtenances thereunto belonging.

3. To purchase, exchange, improve and repair school apparatus; but the power herein granted shall not be deemed to authorize the furnishing with class or text books, any scholar whose parents or guardians shall be able to furnish the same.

4. To procure fuel, and defray the necessary expenses of keeping the school houses in order, exclusive of repairs, including insurance.

5. To defray the contingent expenses of the board of education, including the salary of the secretary thereof.

6. To pay teachers' wages after the application of public money, appropriated by law for that purpose.

7. To pay charges or expenses incurred by law or necessary to carry this act into effect; or to refund loans contracted by law, and to pay the interest thereon; or to pay such sums as shall be required to fulfill any contract duly made under the provisions of this act.

§ 11. The said tax shall be collected upon and by virtue of the warrant of the board of education, in the same manner that school district taxes are now by law collected, and the collector shall receive the same fees, to be collected in the same manner that school district collectors now receive, and the taxes when collected shall be paid over to the treasurer of said board.

Warrant of collection.

§ 12. Before entering upon the duties of his office, the collector shall execute to the board of education a bond with such surety as shall be approved by the president of the board, in a penalty double the amount of money certified to be necessary to be raised by tax for the current year, conditioned for the faithful collection of all tax bills that may come into his hands for collection according to the best of his ability, and the payment of the proceeds thereof to the treasurer, and may, with his sureties, be prosecuted in the name of the said board of education for any violation of said bond.

Collector to give bond.

Treasurer
to give
bond.

§ 13. The treasurer, before entering upon the duties of his office, shall execute to the said board a bond in the penalty of one thousand dollars, to be approved in like manner as aforesaid, conditioned for the safe keeping and payment of all moneys that may come into his hands, and may, with his sureties, be prosecuted by and in the name of the board of education for any violation of the said bond. All moneys raised pursuant to the provisions of this act, and all school moneys appropriated to or provided for the said school district, shall be paid to the treasurer, and he shall, at the proper time in each year, receive from the county treasurer of Delaware county or other proper officers, all moneys appropriated to said district from the common school, or other funds of this State.

How mo-
neys to be
paid out.

§ 14. The treasurer shall pay out the moneys received by him by virtue of this act, only upon drafts drawn by the president and countersigned by the secretary of the said board of education, in pursuance of a resolution of said board, and shall be made payable to the person or persons entitled to receive the money thereon, or their attorney in fact or order, and shall state on what accounts said drafts are drawn.

Powers and
duties of
board of
education.

§ 15. The said board of education shall have power, and it shall be their duty :

1. To organize, establish and maintain such and so many public schools in the said union school district, including an academy or high school, as they shall deem requisite and expedient, and for those purposes are hereby authorized to use the two school houses now situated within the bounds of said school district.

2. To have the custody and safe keeping of the school houses and all school property belonging to said district.

3. To contract with, examine, license and employ all teachers in said schools, and at their pleasure to remove them.

4. To have the superintendence, supervision and management of said schools, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, all necessary rules and regulations for their good management and for the instruction and classification of the pupils therein.

§ 16. On, or as soon after the first day of October in

each year as may be, the board of education shall make and transmit to the school commissioners of the first assembly district of Delaware county a report, in writing, to be signed by the president and secretary of the said board, stating :

1. The number of school houses in said district, and an account and description of all the schools kept therein pursuant to this act, during the preceding year, and the length of time they have severally been taught.

2. The number of children taught in such schools, respectively, and the number between the ages of four and twenty-one years, residing in said district on the first day of October in each year.

3. The whole amount of school moneys received by the treasurer of the board during the preceding year, distinguishing the amount received from the county treasurer from the collector, and from other sources, specifying the same.

4. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause.

5. The amount of moneys received for tuition from pupils during the year, and the amount paid for teachers' wages, in addition to the public moneys, with such other information relating to the schools of said district as may, from time to time, be required by the State Superintendent of public instruction.

§ 17. The said board of education may establish a high school or academy, in connection with the school system by this act contemplated, and when organized, and it has complied with the requirements of the regents of the university, may be recognized by them as one of the academies of this State, subject to the visitation of the said regents, and shall be entitled to participate in the distribution of the income of the literature fund in the same manner and upon the same conditions as other academies.

High school
or academy
may be es-
tablished.

§ 18. Each member of the said board of education shall visit all the schools in said district, at least once in each year of his official term, and the said board shall provide that each of said schools shall be visited by a committee of their number, at least once in each term, who shall report, in writing, to the said board the condi-

Schools
to be visited

tion of each school, and make such suggestions as they may deem proper.

What pupils may enter school.

§ 19. The schools organized under this act shall be free to all pupils who are actual residents of said districts. The said board may allow the children of non-residents to attend the schools of said district, and shall prescribe the rates for the tuition of such non-residents, payable always in advance.

Schools of district subject to rules relating to common schools.

§ 20. The several schools of said district shall be under the jurisdiction and control of, and be subject to all rules and regulations established by the State Superintendent of public instruction in relation to common schools.

When term of present district officers to cease.

§ 21. The various school district offices in each of the districts herein embraced shall, terminate whenever the said board of education shall enter upon the duties of their office, except as herein otherwise provided. The trustees and collector in each district shall retain the power, now by law vested in such officers, until they, by due diligence, shall have closed up all the unsettled business of their several districts, and discharged all the indebtedness thereof, and, for such purpose, shall, if necessary, call meetings of the inhabitants of such district, and, when voted at a legally called meeting, shall levy and collect a tax sufficient to liquidate such indebtedness.

Title to property vested in board of education.

§ 22. The title to the school houses, sites, furniture and all other property belonging to said school districts, numbers one and nine, shall be vested in the said board of education, and the same shall not be levied on or sold by virtue of any warrant or execution, nor be subject to taxation, for any purpose whatever, and the said board of education, in its corporate capacity, shall be competent to take, hold and dispose of any real or personal estate transferred to it, subject to the limitations prescribed by law, and may sell any of said property, and shall pay the proceeds of any such sale to the treasurer of the board, for the use of the said district; but no real estate shall be thus sold without a vote of the district authorizing the same.

• § 23. Any person duly elected or appointed to any office in said district, under this act, who shall, without sufficient cause, neglect or refuse to accept such office within ten days after his election or appointment, shall

forfeit the sum of ten dollars to said board of education, to be prosecuted for by them.

§ 24. This act shall take effect immediately.

Chap. 460.

AN ACT relative to the lands granted to this State by the act of Congress entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved second July, eighteen hundred and sixty-two, and authorizing the sale thereof, and the investment of the proceeds of such sales.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller of this State is hereby authorized to receive from the proper authorities of the United States, the land scrip to be issued for the lands granted to this State by the act of Congress, approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and to give all necessary receipts or acknowledgments for the scrip which may be so received by him.

Comptrol-
ler may ac-
cept land
scrip.

§ 2. The said comptroller is hereby authorized, by and with the approval and concurrence of the Lieutenant-Governor, Attorney-General, Treasurer and Chancellor of the University, from time to time as he may deem proper, to sell the said land scrip, or any part thereof for cash or for stocks of the United States, or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks, and to execute all necessary and proper transfers thereof. But no such scrip shall be transferred and delivered to any purchaser thereof until the same shall have been fully paid for, or until payment thereof shall be fully secured by collaterals of such stock as above specified.

May sell
scrip.

Prohibition

Provisions
concerning
sale of scrip
and pro-
ceeds.

§ 3. The comptroller shall make all such arrangements, employ such agents, and adopt such measures, in all respects, as he may deem most expedient for effecting a judicious sale of the said land scrip; and the treasurer, on the warrant of the comptroller, shall, from time to time, pay out any moneys in the treasury, not otherwise appropriated, all the expenses of management and superintendence, and taxes, if any, from the selection of said lands previously to their sale; and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, and of all incidental matters connected with or arising out of the care, management, and sale of the said lands; so that the entire proceeds of the sale of said lands shall be applied, without any diminution whatever, to the purposes mentioned in the said act of congress.

Investment
of proceeds.

§ 4. The moneys which may be received on the sale of the said lands or land scrip, shall, from time to time, and as often as there shall be a sufficient accumulation for that purpose, be invested by the comptroller, in stocks of the United States, or of this State, or in some other safe stocks, yielding not less than five per centum per annum on the par value of said stocks; and the money so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, except as provided for in and by the said act of Congress.

Separate
books to be
kept relat-
ing to scrip.

§ 5. The comptroller shall keep separate books of account in his office of all matters relating to the said land scrip and lands, and the care, management, sale and disposition thereof, and of the investment of the moneys derived from the sale of the said lands and land scrip, and of the manner in which the income of the said fund may be disposed of, pursuant to any act of the legislature authorizing the application thereof, in conformity with the provisions of the act of Congress aforesaid.

Comptrol-
ler to re-
port annu-
ally.

§ 6. The comptroller in his annual report to the legislature shall state the condition and amount of the said fund, the expenditures on account thereof, and all his proceedings and acts in regard thereto.

Moneys re-
ceived by
comptroller
to be depo-
sited in
treasury.

§ 7. All moneys received by the comptroller under the provisions of this act, shall be forthwith deposited by him in the treasury of this State, as a trust fund, with which a special office and bank account shall be kept by

the treasurer, so that the said moneys shall not be intermingled with the ordinary funds of the State, and the said moneys shall be paid out by the treasurer, from time to time, on the warrant of the comptroller, when required by him for the purposes of being invested as hereinbefore mentioned.

§ 8. This act shall take effect immediately.

Chap. 461.

AN ACT to authorize the President, Directors and First Company of the Great Western Turnpike Road to sell and convey their toll bridge and toll house across the Schoharie creek at Esperance, and also to abandon a portion of their road.

Passed May 5, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The president, directors and first company of the Great Western Turnpike Road are hereby authorized and empowered, at any time after the passage of this act, to sell and convey to any person, persons, association or company, and on such terms, for such price, and on such credit as they may deem proper, the bridge across the Schoharie creek at Esperance, with the toll house and land whereon the same is situated. with the appurtenances, together with the right and franchise of demanding and collecting tolls from all persons, teams, animals and vehicles crossing over said bridge, as now authorized and allowed to the said company, and, upon such sale and conveyance, the said company shall be thereafter released and discharged from all duties and responsibilities imposed on them in respect to maintaining said bridge as a part of the turnpike road of said company.

§ 2. The person or persons, company or association purchasing the said bridge, toll house and franchise of tolls, with the appurtenances, and the assigns or grantee of said purchaser, shall thereafter be subject to the same

duties, penalties and responsibilities as the said company now are in respect to maintaining said bridge and keeping the same in good condition and repair, and shall be entitled to have and exercise the same right and franchise of demanding and collecting tolls from each and every person and persons crossing and traveling over said bridge with teams, animals or vehicles that are now authorized and allowed to the said company, and may enforce the the collection and payment thereof in the same manner as the said company can or might have done.

§ 3. At any time after the sale and conveyance of the said bridge, toll house lot and franchise of tolls, as heretofore authorized, it shall be lawful for the said turnpike company to abandon to the public all and so much of their turnpike road as lies westerly of the termination of fifteen miles, measured on said road from its commencement at Snipe street, in the city of Albany, notice of which abandonment shall be given by said company in the State paper, by publishing the same for three weeks successively at least once in each week.

§ 4. This act shall take effect immediately.

Chap. 462.

AN ACT to amend an act entitled "An act for the preservation of moose, wild deer, birds and fresh water fish," passed April twenty-third, eighteen hundred and sixty-two.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 16
amended.

SECTION 1. The sixteenth section of the act entitled "An act for the preservation of moose, wild deer, birds and fresh water fish," passed April twenty-third, eighteen hundred and sixty-two, is hereby amended by striking out the words "Chaumont Bay" and inserting in lieu thereof the words "the bays lying and being between the mouth of Genesee River and Cape Vincent."

Section 17
amended.

§ 2. The seventeenth section of said act is hereby amended by striking out the words "Canandaigua Lake" and inserting therein the words "Skanateles Lake in

the counties of Onondaga and Cayuga, Cayuga Lake and Chautauqua Lake, Cayuta Lake in the county of Schuyler, and Fort Bay in the county of Wayne." Also strike out of said section the words "Skine Lake," and the words "except in Skine or Lime Lake in the county of Cattaraugus." Also strike out the words, "and frost fish."

§ 3. The twenty-fourth section of said act is hereby amended by striking out the following words, to wit: "Chapter four hundred and sixty-four of the Laws of eighteen hundred and fifty-nine, chapters one hundred and seventy-three and two hundred and fourteen of the Laws of eighteen hundred and sixty-one."

Section 24
amended.

§ 4. All the provisions of chapter four hundred and sixty-four of the Laws of eighteen hundred and fifty-nine, and chapters one hundred and seventy-three and two hundred and fourteen of the Laws of eighteen hundred and sixty-one, are hereby re-enacted and declared to be in full force from and after the passage of this act.

Certain sta-
tutes re-en-
acted.

§ 5. This act shall take effect immediately.

Chap. 463.

AN ACT to establish a law library for the Second Judicial District, in the city of Brooklyn.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be a law library located at the city of Brooklyn, which shall be known as the "Law Library of the Second Judicial District."

§ 2. The said library shall be under the care and management of the trustees of the law library of the city of Brooklyn; subject, however, to such orders, rules and regulations, touching the same, as may be made, from time to time, by a majority of the justices of the supreme court, residing in said district. All appropriations made for said library, shall be paid to the said trustees, to be by them disbursed in the purchase of books for said library. The said trustees may make rules and regulations for the management and protection

of said library, and prescribe penalties for the violation thereof; they may sue for and recover such penalties, and may maintain actions for injuries to said library, they may procure proper furniture for said library, hire suitable rooms, employ a librarian, provide fuel and lights, and defray all the incidental expenses of the care and management of said library; they shall yearly ascertain the amount necessary for the aforesaid purposes, and certify it to the board of supervisors of Kings county, who shall pay the same. They shall yearly make a report to the regents of the university, of the State Library, the additions made to said library during the preceding year.

§ 3. Any person who shall willfully injure any of the books, furniture or property of said library, shall be guilty of a misdemeanor.

§ 4. The sum of five thousand dollars is hereby appropriated to the use of said library, which sum the treasurer is hereby required to pay to the said trustees, on the warrant of the comptroller.

§ 5. This act shall take effect immediately.

Chap. 464.

AN ACT to amend section two, title two, chapter seven, part second of the Revised Statutes.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second section of title two, chapter seven, part two of the Revised Statutes, is hereby amended so as to read as follows:

§ 2. In the following cases, every agreement shall be void unless such agreement or some note or memorandum thereof be in writing, and subscribed by the party to be charged therewith:

1. Every agreement that by its terms is not to be performed within one year from the making thereof.

2. Every special promise to answer for the debt, default or miscarriage of another person.

3. Every agreement, promise or undertaking, made

upon consideration of marriage, except mutual promise to marry.

Chap. 465.

AN ACT in relation to contracts and labor at the State prisons of the State.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In all contracts which may hereafter be let or awarded for convict labor at any prison, a clause shall be inserted that any debt which may be or become due from any contractor upon such contract shall be a lien, in favor of the prison, upon the machinery and tools used or owned by such contractor in operating such contract upon the prison premises; and such lien shall thereupon commence with such contract, and shall continue during the existence of the contract, and until the claim or debt shall be satisfied or canceled. And it shall be lawful for the agent and warden of the prison, under the direction of the inspectors, or a majority of them, whenever any sum shall be due from a contractor, to proceed to satisfy such lien by a sale of the property affected by such lien in the same manner as by a sale upon chattel mortgage.

Debt of contractor a lien upon his tools, &c.

May be sold.

§ 2. In all contracts which may be hereafter let or awarded for convict labor, at any prison, a clause shall be inserted requiring the contractor to deposit with the comptroller of the State a sum of money not less than five hundred dollars, and not greater than two thousand dollars, as the inspectors may determine according to the nature of the contract, and no contract shall be valid until such deposit shall be made; and such money shall remain on deposit with comptroller as security for the payment of any debt which may arise on said contract during the continuance thereof, and until such debt be adjusted; and it shall be lawful for the comptroller to apply such money upon and towards the liquidation of any debt which may be due as aforesaid. And if such sum so to be applied shall not suffice to meet such debt, then it shall be the duty of the inspectors of State prisons

Contractors to deposit money with comptroller as security.

forthwith to annul such contract, and the same shall be and become immediately annulled. And the labor and services of the convicts provided for in such contract may thereupon be re-let and contracted anew, but not to such defaulting contractor, nor shall any other contract for convict labor be awarded to any person who shall have been a defaulting contractor. Provided, however, that the annulment of such contract shall not cancel any lien existing thereby upon machinery and tools, as aforesaid, for any indebtedness then existing.

Citizen labor not to be employed, except, &c.

§ 3. It shall not be lawful for any person holding a contract for convict labor at any State prison to employ in the shops or grounds of such prison upon the ordinary work of convicts as carried on at such prison any citizen labor without the permission of the board of inspectors, but this section shall not be construed to alter the existing laws in relation to the foremen, superintendents, agents and teamsters of contractors.

Who may not be appointed to office at state prison. Keeper to give bond.

§ 4. No person under the age of twenty-one years shall be appointed to or hold any office at any State prison.

§ 5. The principal keeper of any State prison in this State shall give a bond to the people of the State of New York, with two sufficient sureties, to be approved by the inspectors, or a majority of them, in the penal sum of five thousand dollars, and conditioned for the faithful performance of his duties.

Chap. 466.

AN ACT to amend the forty-fifth section of article third, title second, chapter sixth, of part third of the Revised Statutes.

Passed May 7, 1863 ; (three-fifths being present), without the approval of the Governor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The forty-fifth section of article third, chapter sixth, part second, title second of the Revised Statutes is hereby amended by adding thereto, as follows :

When receiver may be appointed.

“ But where, either by actions or proceedings in partition or division or for the construction of a last will and

testament, an estate has been brought within the possession, direction or control of the supreme court of this State, which shall have acquired jurisdiction over the same, such supreme court may upon the death of the surviving executor of said will and testament, and during the pendency of such action or proceedings, and until they are finally carried into effect, appoint a receiver of said estate upon such terms and conditions, and upon such notice to all parties and persons interested as said court shall direct, and upon such order as to security or otherwise as to said supreme court may seem expedient; and to enable it to carry into effect its orders and decrees in relation to said estate, such receiver when appointed shall be the successor in interest of said surviving executor, and shall have like power and authority as administrators with the will annexed, appointed by the surrogate, but subject to the orders of said supreme court in the premises."

ed on estate
of deceased
person.

§ 2. This act shall take effect immediately.

Chap. 467.

AN ACT to provide for the construction of a bridge across the Clear creek, in the county of Erie, for the benefit of the Indians on the Cattaraugus Indian reservation.

Passed May 5, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of one thousand dollars is hereby appropriated for the purpose of erecting a permanent bridge across the Clear creek, on the Cattaraugus Indian reservation, in the town of Collins, in the county of Erie, at or near the place where the old bridge formerly stood, and at the most eligible point for the construction of a bridge with reference to permanence and economy, and for the purpose of properly protecting said bridge by piles driven in the ground.

Appropriation.

§ 2. Joseph H. Plumb, of the county of Erie is hereby appointed commissioner to locate said bridge according to the preceding section, and to supervise and direct the

Commissioner.

building thereof, with full power to contract for materials and work for the erection of said bridge, and protecting the same by piles as aforesaid or otherwise.

When
comptroller
to appoint
commis-
sioner.

When mo-
ney to be
paid to
commis-
sioner.

§ 3. In case of the death or refusal to serve of said commissioner, the comptroller shall appoint some proper person in the place of him so dying or refusing to serve.

§ 4. None of the money appropriated by the first section of this act shall be paid to the said commissioner until he shall have furnished to the comptroller satisfactory evidence that the Seneca nation of Indians have paid to said commissioner the sum of three hundred dollars, or have delivered to said commissioner the value of said sum in lumber and other necessary materials for the construction of said bridge.

Bond of
commissioner.

§ 5. The said commissioner, before entering upon the discharge of his duties, shall execute a bond to the people of this State in the sum of three thousand dollars, with at least two sureties to be approved by the comptroller, conditioned for the faithful performance of his duties under this act.

Commis-
sioner to
account for
moneys.

§ 6. The said commissioner shall account with the comptroller from time to time, for all moneys received from this State, and for all moneys and property received by him from the Seneca Indians, and for the expenditure of the same under this act; and the said commissioner shall, within sixty days after the completion of said bridge, make a true and final report to the comptroller, containing a detailed description of said bridge, and a full account of all his expenditures. Said commissioner shall be entitled to receive two dollars for every day he shall devote to the performance of his duties.

Treasurer
to pay over
moneys.

§ 7. The treasurer shall pay, on the warrant of the comptroller, subject to the provisions of section four of this act, the sum heretofore appropriated to said commissioner, on his vouchers, in such sums and at such times as the comptroller shall prescribe.

Disposition
of surplus
moneys.

§ 8. In case the Seneca nation of Indians shall pay or advance to said commissioner said three hundred dollars, and there shall be any moneys left in his hands after constructing said bridge, the same shall be paid by said commissioners to the trustees of the Thomas asylum, on the Cattaraugus reservation, to be used for the education and support of the Indian orphan children therein, to the

extent of such overplus, not exceeding in amount said three hundred dollars.

§ 9. This act shall take effect immediately.

Chap. 468.

AN ACT to amend an act entitled "An act to provide for the incorporation of villages," passed December 7th, 1847, so far as the same relates to the village of Mount Vernon, and to confer additional powers upon the trustees thereof.

Passed May 5, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The elective officers of the village of Mount Vernon shall consist of one president, six trustees, one treasurer, one clerk, three assessors, and one street commissioner, who shall be elected on the last Tuesday of May next, the election to be held according to the provisions of the charter of said village of Mount Vernon for the election of officers. The trustees shall hold their office for three years, provided, however, that those elected at the first meeting, two shall serve for one year, two for two years, and two for three years. The term of office to be designated upon the ballots cast at such election and annually thereafter on the last Tuesday of May of each year, two trustees together with the other elective officers shall be elected and such number of trustees as may be necessary to fill any vacancy which may occur. The term of office of the president, treasurer, clerk, assessors and street commissioner shall be for one year from the time of their election and until others are elected in their places, and the term of office of all village officers now holding office in said village shall expire on the day after the election herein provided, and the additional powers conferred by this act shall not apply to the present trustees of said village.

Officers and
terms of
office.

§ 2. The trustees of said village may by resolution direct and cause sidewalks to be made or repaired of

Sidewalks.

stone, flagging, or other materials, on any street, avenue or road in said village, or any part thereof, and the materials and such street, avenue or road, the part and side thereof, shall be specified in such resolution.

Expenses
thereof a
lien on
lands.

§ 3. The expense of making or repairing such sidewalk opposite to and on the same side of the street, avenue or road with any lot or parcel of land upon which said sidewalk shall be made or repaired, shall be a lien thereon, and if the owner or lessee thereof be a resident of said village, the trustees shall give him notice of the manner and materials of which such sidewalk is required by him or them to be made or repaired, and of the time, not less than thirty days, within which it may be so made or repaired by him at his own expense under the directions of the trustees.

When trustees
to
cause same
to be re-
paired or
made.

§ 4. If such owner or lessee shall not make or repair such sidewalk within such time and in such manner, or if he be not a resident of such village, the trustees shall cause the same to be made or repaired in accordance with their resolution; they shall keep an account of the expenses thereof, which shall be a tax against him and a lien upon such lot or parcel of land; and they shall issue their warrant for the collection thereof, and the same shall be collected in the manner prescribed by this act and the act hereby amended.

Warrant
for collection
of expense there-
of.

§ 5. Every such warrant shall be returnable and may be renewed like other warrants for the collection of taxes in such village, and it shall set forth plainly by some brief description the lot or parcel of land charged with the lien as it is required, to be set forth in warrants for the collection of taxes by town collectors, the name of the owner or lessee if his name be known, the time of the adoption of the resolution directing the sidewalk to be made or repaired, under which the expense charged upon such lot or parcel of land was incurred, the amount of the lien and the street, avenue or road and side thereof, on which such sidewalk was so required to be made or repaired.

Taxes, ex-
penses, &c.,
lien upon
lands.

§ 6. All taxes, expenses or assessments levied, charged or assessed by virtue of this act or the act hereby amended, shall be a lien upon the real estate upon which the same shall be levied or assessed, and whenever the village collector shall upon any warrant for the collection

of any such taxes or assessments return upon oath that he could not, previous to the return day of such warrant, find any property in such village out of which he could collect any such tax or assessment, and whenever upon any warrant issued to collect the expenses of making or repairing any sidewalk, sewer or other charge by which said trustees are authorized by law to levy a tax or assessment, he shall make a similar return, the trustees may lease or sell the real estate upon which such tax, charge, expense or assessment shall have been assessed, or such expense shall be a lien or so much thereof as may be necessary to pay such tax, expense, charge or assessment and the interest thereon, and the costs of advertising and leasing or selling, which costs shall not exceed five dollars to the person who will for the use of said real estate or some part thereof for the shortest period, pay such tax, expense, assessment, interest and costs.

Lands may be leased or sold for the payment thereof.

§ 7. Any lot or part of a lot or parcel of land, which shall be so leased or sold, may at any time within two years from such leasing or selling, be redeemed therefrom by the owner thereof paying to the lessee or his legal representative the amount of the tax, charge, assessment or expenses, together with the costs and interest thereon, with ten per cent thereon if redeemed within one year from the time of such leasing or selling, if not redeemed within one year, then twenty per cent upon the same for the second year, or the same may be paid to the treasurer of said village to be repaid to the said lessee.

Redemption of lands.

§ 8. The treasurer of said village is hereby authorized under the direction of the board of trustees of said village, to issue bonds in such form and in such sums as said board may prescribe, to an amount not exceeding five thousand dollars, for the payment of the expense of constructing stone flagging in said village, bearing an interest not exceeding seven per cent per annum, which interest shall be paid annually or semi-annually as said board may direct; they shall also determine when and where such bonds shall be redeemable; such bonds shall be issued in the name of and under the corporate seal of said village, and shall be signed by the president of the village or the president of the board of trustees and

Treasurer may issue bonds under direction of trustees.

countersigned by the clerk thereof; the said clerk shall keep a record in a book to be provided by said village for that purpose, showing the date, amount and rate of interest of said bonds respectively, and the time they become due.

Payment
thereof.

§ 9. The moneys received and collected for the making of such sidewalks or such portions thereof as shall be necessary, shall be applied towards paying the bonds and the interest thereon, authorized to be issued under this act.

When sew-
ers and
drains to be
built.

§ 10. Whenever the resident owners of at least two-thirds of the lots situate upon any street or avenue in said village to be affected thereby, shall petition the trustees to build a sewer or drain in any such street or avenue or in some portion thereof, to be specified in such petition, the trustees shall have the power to direct the construction thereof, and the expense shall be assessed upon and collected from the taxable property to be benefited thereby, in the same manner as other taxes, expenses and assessments are directed to be assessed and collected in said village; provided, however, in rating and assessing said expense the same shall be rated and assessed by the assessors upon the lots and real estate located upon the street or avenue in which said sewer or drain shall have been made, so far as the same shall extend and upon each side thereof, in a just and equitable manner as nearly as may be in proportion to the advantage which each shall be deemed to acquire thereby; upon the delivery of such assessment to the trustees, the sums so assessed and apportioned to and upon each lot and piece of real estate shall become a lien thereon, and they shall issue their warrant for the collection thereof, and if any such sums shall be returned by the collector unpaid, the trustees may proceed to collect the same in the manner provided in and by this act, and the act hereby amended for the collection of unpaid taxes, charges, assessments or expenses. The trustees shall cause every such sewer or drain to be maintained and kept in repair, and the expense of such maintenance and repairing shall be assessed and collected as above provided. No person other than the owner or lessee of the real estate, who shall have paid the expense of making such sewer or drain, shall lead any private sewer or drain into the same

unless upon the payment to the treasurer of said village such sum of money as the trustees shall determine the privilege to be worth.

§ 11. In addition to the powers already conferred upon the trustees of said village, they shall have the power to cause the sidewalks, streets and avenues in said village to be leveled, raised, graded, graveled and repaired, and the sidewalks ornamented with shade trees, and to compel the owner, lessee or occupant, of any lot or parcel of land in said village to make such improvements upon the sidewalks as aforesaid, in front of said lot or real estate, to determine and prescribe the manner and the time in which the same shall be done, and the materials and kind of trees to be used, and the quality thereof, and in case the owner, lessee or occupant of any such lot or real estate shall neglect or refuse to complete the said required improvements to the sidewalks within such reasonable time as shall be required by the trustees, the said trustees may cause such improvements to such sidewalks to be made or completed, and the expense thereof shall be a lien upon such lot or real estate, and be by the trustees assessed on such lot and real estate and upon the owner, lessee or occupant thereof, and be collected by warrant, to be issued by the trustees, in the same manner as other taxes and assessments are directed to be collected by this act and the act hereby amended, and in case such assessment shall not be paid within such time as may be prescribed by said trustees, the trustees may cause such real estate to be leased or sold for payment or collection of such taxes, expenses or assessment, together with the expense of such leasing or selling, in the same manner and with like effect as in cases where owners or lessees of lots refuse or neglect to make or repair their sidewalks.

Powers of trustees.

§ 12. The said board of trustees shall appoint, from time to time, a collector of taxes and assessments in and for said village, two fire wardens and two pound masters, who shall hold office until the third Tuesday of March following their appointment; the said board of trustees shall also provide one or more public pounds, and they may employ one or more persons to restrain cattle, horses, sheep, swine, goats or geese from running at large in said village.

Collector.

Pounds.

Construc-
tion of act.

§ 13. Whenever "trustees," or the board of trustees, are mentioned or referred to in this act or the act hereby amended, it shall be construed to mean a majority of said trustees, including the president of the village, or a quorum sufficient for the transaction of business.

Enforcing
by laws.

§ 14. The board of trustees shall have power to do any act necessary to carry into effect any resolution, ordinance, proceeding or by-law which they are authorized to adopt or enact under this act or the act hereby amended.

§ 15. This act shall take effect immediately.

Chap. 469.

AN ACT to incorporate "The Machinists' Protective Union of the City and State of New York."

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. John J. Blair, John Sinott, John Sutcliff, William McClure, Christopher Nugent, James Whitford, James Cavanagh, Martin Heenan, John Roach, John Paine, Elting Post, John Lockwood and such other persons as shall hereafter be associated with them or their successors, are hereby constituted and created a body corporate by the name of "The Machinists' Protective Union of the City and State of New York," whose object is hereby declared to be to establish and concentrate the influence of the trade upon some advantageous measures which are calculated to confer benefits upon its members.

§ 2. The direction, management and control of the affairs and property of the said Union shall be vested in the persons named in the first section of this act, and their successors, subject to such by-laws and regulations as they may from time to time adopt.

§ 3. The officers of such Union shall consist of a president, vice-president, recording secretary, corresponding secretary, treasurer, sergeant-at-arms and five trustees, to be elected in such manner as the by-laws of said Union may from time to time direct.

§ 4. The said Union shall have power to take, hold and convey real and personal property to the amount of not exceeding one hundred thousand dollars, and also all apparatus and furniture necessary to the object of said corporation.

§ 5. All personal property, apparatus, furniture and other property, and all structures and buildings, and any contract or contracts or agreement for the purchase of any real estate now held by the officers of said Union, or any or either of them, or any other person or persons in trust for the said Union, or for the use and benefit of the same, shall by virtue of this act vest in and become the property of said Union hereby created, and the said Union shall assume and be liable for all contracts, agreements and responsibilities which have been entered into or incurred previous to the passage of this act, by the officers of the said Union or any of them lawfully acting in behalf of said Union.

§ 6. This act shall take effect immediately.

Chap. 470.

AN ACT to authorize an additional general tax in the city of Rochester.

Passed May 5, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Rochester are hereby directed to ascertain and determine the amount of money that will be necessary to pay the expenses of the removal of the obstructions in the Genesee river, caused by the erection of Buffalo and Main street bridge ; and when the same is ascertained and determined, the said common council are hereby authorized, and it shall be lawful for them, in the same manner and at the same time as the general tax of said city is levied and imposed, to raise by general tax such sum of money, not exceeding two thousand dollars, as will be found necessary to defray the expenses of such removal.

§ 2. This act shall take effect immediately.

Chap. 471.

AN ACT to legalize the laying out of highways in the town of Amity, Allegany county, and to open the same.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The acts of certain commissioners of highways of the town of Angelica, in the county of Allegany, in the years eighteen hundred and seven and eighteen hundred and eight, in laying out a highway then in said town, the same which now runs from the village of Angelica to the village of Scio, in said county, and on the easterly side of the Genesee river, and making a certificate and record thereof, shall be as valid and effectual as though all the commissioners of highways in said town had united in the same, and the same shall be valid and effectual for the purposes of laying out said highway and for the record thereof.

§ 2. The commissioners of highways of the town of Amity, in the county of Allegany, are hereby authorized and empowered to remove all obstructions from so much of the highway in the first section named as passes through said town of Amity, and to open the same to the width of three rods at least, provided that the original survey was of that width, upon their giving thirty days' notice to the owner or occupant of land where such obstructions are, to remove the same, and, upon his failure within that time, to do so.

§ 3. The laying out of all public highways in said town of Amity by a majority of the highway commissioners, and the certificate and record made thereof, either by the highway commissioners of the town of Angelica before the formation of the said town of Amity, or by the highway commissioners of the town of Amity after its formation, shall be valid and effectual as to the laying out of the said highways and the record thereof. And all provisions of the second section of this act shall apply to the same.

§ 4. No provision of this act shall affect any action or suit now pending.

§ 5. This act shall take effect immediately.

Chap. 472.

AN ACT to incorporate the Ancient Order of Hibernians' Benevolent Society.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. James Sandford, John Tucker, Thomas Kerrigan, Thomas Kearns, Edward McKenna and Timothy Darcy, of New York, Felix Peterson, of Kings county, and Patrick Dardis, of Albany, and such other persons as now are or hereafter shall become members of said society, are hereby constituted a body corporate, by the name of the Ancient Order of Hibernians' Benevolent Society.

§ 2. The object and purpose of said corporation is to accumulate a fund for the aid of its members in disablement, sickness and distress, and to aid and assist widows, children and families of its deceased members.

§ 3. The said corporation shall have power of prescribing rules and regulations for the government and management of its affairs, for the admission and expulsion of members, and to enable it to carry out the object of its incorporation.

§ 4. The location and place of business of said corporation shall be in the city and county of New York.

§ 5. The said corporation shall possess all the powers of an ordinary corporation, subject to the provisions of title third, chapter eighteen of part first of the Revised Statutes, so far as the same are applicable.

§ 6. This act shall take effect immediately.

Chap. 473.

AN ACT to amend an act entitled "An act to authorize the Canal Commissioners to construct a road bridge over the enlarged canal near Griffith street in the city of Rochester," passed April fourteenth, eighteen hundred and fifty-eight.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioners are hereby authorized and required to construct or cause to be constructed and maintained at the expense of the State over the enlarged Erie canal near Griffith street in the city of Rochester, a common single track road bridge, to be paid for from any money appropriated for the repairs of the Erie canal; provided, that after investigation and examination into all the facts in relation to the application for said bridge, the board of canal commissioners shall be of opinion that the State is under legal and equitable obligations to build said bridge, and, provided further, that before proceeding to the construction of any such bridge, the canal commissioners shall require and receive a full and sufficient release legally executed, acknowledged and delivered free of expense to the State, of all claims for damages in consequence of the construction of said bridge, or of the approaches and embankments to the same, and also a good and sufficient grant or permission to the State duly executed, acknowledged and delivered as aforesaid, to alter raise or change such bridge, approaches or embankments whenever necessary, which necessity is to be determined by the canal commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments. The said canal commissioners shall enter or cause to be entered in a book of records to be kept in their office all the testimony and facts appearing upon the investigation and examination above referred to, and their determination thereon, whether such determination be favorable or adverse to such application.

§ 2. This act shall take effect immediately.

Chap. 474.

AN ACT to release to Susannah Burns the real estate of which Samuel Willis died seized.

Passed May 5, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest which the people of the State of New York have acquired by escheat, in the real estate in the town of Lyons, Wayne county, whereof Samuel Willis, late of Lyons, aforesaid, died seized, is hereby released, and quit-claimed to Susannah Burns, the widow of said Samuel Willis, now the wife of John Burns.

§ 2. This act shall take effect immediately.

Chap. 475.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Fireman's Benevolent Association of Rochester,'" passed April 13th, 1837. Also, to amend an act entitled "An act to amend an act to amend an act entitled 'An act to amend an act to incorporate the Fireman's Benevolent Association of Rochester,'" passed May 13th, 1845, which was passed March 17th, 1860.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Fireman's Benevolent Association of Rochester,'" passed April thirteenth, eighteen hundred and thirty-seven. Also, to amend an act entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Fireman's Benevolent Association of

Rochester," passed May thirteenth, eighteen hundred and forty-five, which was passed March seventeenth, eighteen hundred and sixty, is hereby amended so as to read as follows:

The first section of the act entitled "An act to incorporate the Fireman's Benevolent Association of Rochester," passed May thirteenth, eighteen hundred and forty-five, is hereby amended so as to read as follows: All such persons as now are or hereafter may be engineers of the fire department, or who may have a certificate of active membership in any company recognized by the common council of the city of Rochester as belonging to the fire department of the city of Rochester, are hereby constituted a body corporate, by the name of "The Fire Department of the city of Rochester," for the purpose of accumulating a fund for the relief of disabled firemen or their families, which fund shall be appropriated in no other manner; and for that purpose, said corporation shall have power to take, hold, transfer and convey real and personal property, to an amount not exceeding twenty thousand dollars, and shall have and be entitled to all the rights and benefits conferred upon the fire departments of other cities, by the act of March thirteenth, eighteen hundred and forty-nine, in relation to insurance companies; but the said corporation shall not take or hold any real estate, except such as shall be necessary for the actual transaction of its business.

§ 2. The sixth section of the said act is hereby amended so as to read as follows:

The board of directors shall have the control and disposal of the funds, property and estate of said department. All the moneys of the department shall be invested by said board in bond and mortgage upon unencumbered real estate in Monroe county, New York, or in the bonds of the city of Rochester, or the county of Monroe aforesaid, or in the stocks of the State of New York, or of the United States. Said board shall in no year expend more than the income of the funds and property of the department.

§ 3. This act shall take effect immediately.

Chap. 476.

AN ACT to confirm the title of Henry M. Sleeman to certain lands in the county of Westchester.

Passed May 5, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The interest of this State of, in and to two certain parcels of land, one consisting of three roods and thirty perches of land, and the other of four acres and thirty-five perches of land, situate in the town of Eastchester, in the said county of Westchester, conveyed by Theodore G. Garbrecht and wife to Elizabeth Sleeman, wife of Henry M. Sleeman, the deed whereof is recorded in book three hundred and ninety-three, page four hundred thirty-four of Westchester county clerk's office records, and by said Garbrecht and wife to Henry M. Sleeman in his own right by deed recorded in the office of the clerk of the said county of Westchester, in liber four hundred and ten of deeds, page three hundred and seventy-nine, is hereby released to the said Henry M. Sleeman, his heirs and assigns.

§ 2. This act shall take effect immediately.

Chap. 477.

AN ACT to amend the charter of the Poughkeepsie Savings Bank.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the trustees of the Poughkeepsie Savings Bank to hereafter pay the president of said bank such compensation for his services as shall, in the opinion of the said trustees, be reasonable; such compensation to be made out of the surplus earnings of said bank.

§ 2. Said bank is hereby authorized and empowered to invest (in the discretion of the board of trustees) its funds in the stocks or bonds of any county or city of this State, authorized to be issued by the legislature of this State.

§ 3. This act shall take effect immediately.

Chap. 478.

AN ACT to incorporate the Malden Railroad Company.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators

SECTION 1. Francis K. Field, Nathan Kellog, Edward Bigelow, David Bigelow and Hobart Bogardus, of the town of Saugerties, Ulster county, and Peter Hogan of the city and county of Albany, and such other persons as may associate with them, their successors and assigns, are hereby constituted a body corporate by the name of the Malden Railroad Company, for the purpose of constructing and maintaining a railroad, with one or two tracks and all necessary and convenient buildings, fixtures, machinery and appurtenances, from some point on the Hudson river at or near Malden, in the county of Ulster, to some point at or near the stone quarries lying in a westerly direction from Malden, in said county of Ulster. And for such purposes all the necessary and incidental powers are hereby granted to said corporation.

Powers.

Capital.

§ 2. The capital stock of said corporation shall be fixed by the directors, at a sum not less than twenty-five thousand dollars, with the liberty to increase the same at any time to a sum not exceeding one hundred thousand dollars. Such stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct. The said corporation may commence operations when ten thousand dollars shall have been subscribed, and ten per cent on each share so subscribed shall have been paid in. The said Francis K.

Field and Nathan Kellog, of Malden, Ulster county, shall be commissioners to receive subscriptions for the said capital stock, at such time or times, within two years after the passage of this act, and under such rules and regulations, as they may prescribe.

§ 3. The concerns of said corporation shall be managed by three directors who shall be stockholders, and who shall hold their offices for two years and until others shall be elected in their places. The said Francis K. Field, Nathan Kellog and David Bigelow shall be the first directors, and shall hold their offices until the first Monday in June, eighteen hundred and sixty-five, and until others are elected in their places. The said directors, except those first named in this act, shall be chosen every two years, at such time and place in the county of Ulster, and on such notice as shall be directed by the by-laws of said corporation. In all meetings of the stockholders, each share shall entitle the holder to one vote, to be given in person or by proxy. In case an election of directors shall not be made at any time on the day appointed by the by-laws of said corporation, the said corporation shall not, for that cause, be deemed to be dissolved, but such election shall be held on any other day which shall be appointed by the directors of said corporation, of which election due notice shall be given by posting of the same at three public places in each town through which said road shall pass, at least two weeks previous to such election.

Directors
and election
thereof.

§ 4. The directors, of whom a majority shall constitute a quorum for the transaction of business, shall appoint one of their number to be president, and may appoint such other officers and agents as they shall deem necessary, and they may make and establish such by-laws, rules and regulations as they shall think proper and expedient for the disposition and management of the property, estate and effects of the said corporation, the transfer of shares, the duties and conduct of their officers and agents, the election and meetings of the directors, and all matters whatsoever which may appertain to the concerns of said corporation. When any vacancy shall happen among the directors, it may be filled by the remaining directors, and the directors may remove all offi-

Officers.

Vacancies.

cers and agents appointed by them, and appoint others in their places, and fill all vacancies in the offices.

Payment of
subscriptions.

§ 5. The directors may require payment of the subscriptions to the stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments made thereon, or may sue for and recover in the name of said corporation, all such subscriptions, and in such sums or portions thereof as may be required by the by-laws. Notices of the time and place of such payments shall be published for three successive weeks previous to such time, in one newspaper published in the county of Ulster, and one newspaper published in the county of Greene.

Seal.

§ 6. The said corporation may have a common seal, which may be altered or renewed at the pleasure of the directors, and all contracts made may be under the signature of the president or other officer or agent of said corporation, and with or without the corporate seal, or may be either written or verbal, if authorized by the by-laws of said corporation, in the same cases that individuals may now make verbal contracts.

Right of
way.

§ 7. It shall be lawful for the said corporation to contract with and purchase the right of way for said railroad of any person or corporation, or of the commissioner or commissioners of highways and supervisor of any town through which the said road may be located, or of the trustees of any village through which said road may pass, and such persons or corporations are hereby authorized to sell and grant such right of way to said company, and said commissioner or commissioners of highways, and supervisor, or trustees of such villages are hereby authorized to grant to said railroad company the right to use any portion of any highway in any of such towns or villages, for the use of said railroad company, and for the laying of the track of said road, provided said company shall not be permitted to make such use of said highways as to unreasonably prevent the public from the use of such highway or street as public highways; and the said railroad company are hereby authorized to erect, build and keep in repair all necessary bridges over streams of water, for the use of said railroad, upon the line of said road.

§ 8. The said railroad company may take and receive, for the construction of said road, or for the use of said road, by gift, grant, bequest, devise or loan, from any person or persons, municipal or other corporation, any money, land, or any other material or thing, for the construction of said road, or the buildings, erections and fixtures therefor, and any person or municipal or other corporation, is hereby authorized to make such gift, grant, bequest, devise or loan to said railroad company for the construction thereof, or of any buildings, erections or fixtures therefor, or for the use of said road. Any person may become a stockholder in said company.

May take
by gift,
grant, &c.,
property.

§ 9. Each stockholder of said railroad company shall be individually liable to the creditors of such company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of such company, until the whole amount of the capital stock so held by him shall have been paid into said company, but shall not be liable to an action therefor before an execution shall have been returned unsatisfied in whole or in part, against the said corporation, and then the amount due on such execution shall be the amount recoverable, with costs, against such stockholders; but in no event shall the stockholders be held personally liable to the said company or to any creditor of said company, except for such portion of the amount of stock held by such stockholder which has not been paid in to said company.

Liability of
stockhold-
ers.

§ 10. If the corporation formed under this act shall not finish and put in condition for operation at least two miles of said road within three years from the passage of this act, its corporate existence and powers shall cease. Said railroad may be so constructed that the carriages thereon may be propelled by horse power or by steam, or mechanical power, and for the purpose of transporting either passengers or wood, lumber or other freight, at the option of the directors.

When cor-
porate
powers to
cease.

§ 11. Section thirteen to section twenty-six, inclusive, of chapter one hundred and forty of the Laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and section twenty-eight of the same act, except that part of the ninth subdivision thereof, which is as follows: "But

Sections of
law of 1850
applied.

such compensation for any passenger and his ordinary baggage shall not exceed three cents per mile;" also sections four, five and six of chapter two hundred and eighty-two of the Laws of eighteen hundred and fifty-four, entitled "An act to amend the act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty," passed April fifteenth, eighteen hundred and fifty-four, and section two of chapter four hundred and forty-four of the Laws of eighteen hundred and fifty-seven, entitled "An act further to amend the act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty," passed April fourteenth, eighteen hundred and fifty-seven, and the acts and parts of acts amendatory of the above mentioned sections shall be applicable to the railroad company hereby authorized, and shall be taken to be and shall form a part of this act.

§ 12. This act shall take effect immediately.

Chap. 479.

AN ACT to provide for the expense of changing the location of a portion of the Baldwinsville canal, and rebuilding the locks thereon.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of twenty-six thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund for the purpose of paying the expense of changing the location of a portion of the Baldwinsville canal, and rebuilding the locks thereon, in accordance with the resolution of the canal commissioners, adopted on the fifth day of July, eighteen hundred and sixty-two; said moneys to be paid whenever the work shall be completed and accepted by the canal commissioner in charge, and when so completed and accepted the same shall be paid upon the estimate of the assistant engineer in charge, approved by the engineer on the middle division, and the State engineer and surveyor. The

moneys remaining after paying the expense of changing the location of the said canal and rebuilding the lock thereon, or so much thereof as may be necessary, shall be applied to paying the expense of dredging the bars contiguous to said lock, if in the opinion of the assistant engineer in charge and the canal commissioner in charge, such dredging shall be necessary and for the best interests of the State.

§ 2. The treasurer shall pay, on the warrant of the comptroller, the sums appropriated by this act, to the parties entitled thereto, to the amounts found to be due on the estimate of the assistant engineer in charge, and approved by the engineer on the middle division, and the State Engineer and Surveyor.

§ 3. This act shall take effect immediately.

Chap. 480.

AN ACT to declare certain lands owned by Luther H. Conklin, in the village of Mexico, Oswego county, a public cemetery, and in relation to the sale thereof.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that tract or parcel of land heretofore conveyed by Elisha Barse to Luther H. Conklin, situate west of and adjoining the cemetery in the village of Mexico, in Oswego county, is hereby declared to be a public cemetery, and shall be exempt from all public taxes, rates and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from said Luther H. Conklin or any of his grantees.

§ 2. It shall be lawful for said Luther H. Conklin, his heirs or assigns, to sell and convey any lots, plots or parcels of said land upon such terms as shall be agreed upon, and subject to such conditions and restrictions, to be inserted in or annexed to the conveyances thereof, as may be thought proper by said Luther H. Conklin, his heirs or assigns; provided that no such lots, plats or parcels of land of two hundred and twenty square feet

or less shall be sold for more than twenty dollars. Said conveyances, executed under the hand and seal of said Conklin, his heirs or assigns, shall be deemed sufficient to pass the title to said lots so conveyed to the grantees therein named all the proceeds of such sales, after reimbursing the said Luther H. Conklin for the purchase money of the lot or parcel of land in the preceding section mentioned, shall be devoted wholly and exclusively to fencing, improving and ornamenting the said cemetery.

§ 3. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, building or other structure placed in said cemetery, or any fence, railing or other work for the protection or ornament thereof, or of any tomb, monument or grave stone or other structure aforesaid, or of any plat or lot within said cemetery, or shall willfully destroy, cut, break or injure any tree, shrub or plant within the limits of said cemetery, shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than ten dollars and equal to three times the amount of the damage done by such offender.

§ 4. This act shall take effect immediately.

Chap. 481.

AN ACT for the relief of New Paltz Academy.

Passed May 5, 1863 ; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The loan of one thousand dollars, together with the interest which has accrued thereon, made to the New Paltz Academy pursuant to an act of the legislature approved April seventh, eighteen hundred and fifty-six, is hereby released to the said academy, and the trustees thereof forever released from the payment of the same to the State, upon the express condition that the said Academy shall always be used for educational purposes, and that the same shall not be aliened or encumbered in any way or manner whatsoever by said trustees.

§ 2. The sum of one thousand one hundred and forty dollars, is hereby appropriated from the general fund, to

reimburse the literature fund for the amount released to the New Paltz Academy under the first section of this act.

§ 3. This act shall take effect immediately.

Chap. 482.

AN ACT authorizing the Canal Commissioners to construct three iron bridges across the Genesee Valley canal, one in the city of Rochester, one at the village of Mount Morris and one at the village of Nunda.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of canal commissioners are hereby authorized and directed to construct and maintain, as a part of the extraordinary repairs of the Genesee Valley canal, an iron bridge, to be constructed according to the plan and style of Whipple's truss double track iron road bridge, with two sidewalks, across the said canal on Plymouth avenue, in the city of Rochester, provided, that after investigation and examination into all the facts in relation to the application for said bridge, the board of canal commissioners shall be of opinion that the State is under legal and equitable obligation to build said bridge, and provided further, that before proceeding to the construction of any such bridge the canal commissioners shall require and receive a full and sufficient release, legally executed, acknowledged and delivered free from expense to the State, of all claims for damages in consequence of the construction of said bridge or of the approaches and embankments to the same, and also a good and sufficient grant or permission to the State duly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments, whenever necessary, which necessity is to be determined by the canal commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments. The said canal commissioners shall enter or cause to be entered in a book of records to be kept in their office, all the testimony and facts ap-

pearing upon the investigation and examination thereon, whether such determination be favorable or adverse to such application.

§ 2. The said board of canal commissioners are further authorized to construct an iron bridge over the Genesee Valley canal, at Mount Morris, on street leading from railroad station to village, and one on State street, Nunda, on the plan of Whipple's arch truss, each having one wide roadway and two sidewalks, the expense of said bridges to be paid out of any moneys appropriated for extraordinary repairs of said canal, provided, that if the said board of canal commissioners shall be of opinion that in rebuilding said bridges of iron instead of the material used in the construction of the present bridges; the increased cost of iron bridges shall be paid for by the State out of any money appropriated to ordinary repairs of the canals, and the balance being the cost of rebuilding said bridges according to their present plan, shall be charged to the repair contractor of the section of canals on which each of the above named bridges are situated.

Chap. 483.

AN ACT for the appraisal and payment of canal damages, occasioned by an overflow of water from a break in the Erie canal, in the county of Orleans, on or about the third day of August, in the year 1862.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby directed to examine and determine the several claims of Ransom Hoag, William Porter, George W. Graves, James L. Paine, Reuben B. Paine, William Knowles, John Lally, Sylvanus Haynes, William Wetmore, Hawley and Can, Sands Cole, Mrs. Ryckman, B. P. Can, Deloss A. Crippen, Russel Hunt, George R. Willis, Lyman Temple, D. P. Craine, of the town of Ridgway and county of Orleans, for alleged damages to their respective lands, crops, fences and

property, occasioned by an overflow of water from a break which occurred in the Erie canal, on or about the third day of August, eighteen hundred and sixty-two, and if it shall appear that damages have been sustained by said parties respectively or any of them for which the State is justly liable, then the said appraisers shall award such sum therefor, to such or any of the parties herein named, entitled thereto, as shall to them seem just and equitable; such appraisal and award, if any be made, to be subject to appeal to the canal board as in other cases.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, to the parties entitled thereto, such damages as shall be awarded under and by virtue of the first section of this act, to them respectively, out of any moneys appropriated or to be appropriated to the payment of canal damages.

Chap. 484.

AN ACT to build a weigh-lock on the Oswego canal.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys appropriated for extraordinary repairs on the middle division of the canals, the sum of thirty thousand dollars or so much thereof as may be necessary to build a weigh-lock of such dimensions and in such manner as the canal board may direct suitable for weighing boats and cargoes, to be located at such place on the Oswego canal as the canal commissioners shall deem proper; and the sum hereby appropriated shall be used for no other purpose, and the work shall be done within such time as in the opinion of the canal board it can be performed in an efficient and durable manner.

§ 2. This act shall take effect immediately.

Chap. 485.

AN ACT to authorize the appraisal and payment of canal damages to George H. Notter, Peter Merchant, William Lee, William O'Neill, Lorenzo Gillig, Jacob Beir, Dennis Crowley and Richard Kyllies.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board are hereby authorized to ascertain, appraise, determine and award the damages sustained by George H. Notter, Peter Merchant, William Lee, William O'Neill, Lorenzo Gillig, Jacob Beir, Dennis Crowley and Richard Kyllies, in the county of Erie, owning or interested in lands fronting on the Niagara river road or highway, on account of injury and damage to their or either of their lands, crops, fences or personal property, caused by permanently appropriating by the State for the purposes of the Erie canal enlargement, a portion of said highway forming an embankment in front of said lands, breaking down fences, damming up the drainage of, and interfering with the natural water courses, rendering said lands wet, destroying crops, and otherwise injuring the value of the lands.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, to the abovenamed Notter, Merchant, Lee, O'Neill, Gillig, Beir, Crowley and Kyllies, all such sums of money as shall be awarded to them by the canal board under the preceding sections of this act out of any moneys which are or may hereafter be appropriated for the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 486.

AN ACT to amend an act entitled "An act relating to the support of the poor of Rensselaer county," passed April 13, 1860.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of an act entitled "An act relating to the poor of Rensselaer county," passed April thirteenth, eighteen hundred and sixty, is hereby amended so as to read as follows:

§ 6. The said auditing superintendents shall each receive four dollars per day for every monthly meeting for auditing said accounts, and twenty cents for every mile necessarily traveled to attend said meetings, reckoning only one way, which bills shall be audited and allowed by the board of supervisors, as other accounts are allowed, and no more than eight dollars per month and said travel fees, for one journey, shall be allowed.

§ 2. This act shall take effect immediately.

Chap. 487.

AN ACT to revive the act entitled "An act to incorporate the village of Perry, in the county of Genesee," now Wyoming

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to incorporate the village of Perry, in the county of Genesee," now Wyoming, passed April seventeenth, eighteen hundred and thirty, is hereby revived, and declared to be in full force and effect, for all the purposes therein mentioned. The first election of trustees and other officers of said village shall take place on the fourth Tuesday of May, eighteen hundred and sixty-three, at such place in said village as the supervisor of the town of Perry, in the county of Wyoming, shall by public

notice of at least six days give, by posting the same in three of the most public places in said village, at which meeting the supervisor so posting such notice shall preside.

§ 2. This act shall take effect immediately.

Chap. 488.

AN ACT to incorporate the Father Matthew United Benevolent Total Abstinence Benefit Society.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. James Riordan, John Wynne, Jeremiah Perry, Edward L. Carey, Bartholomew Mahoney, Michael Lynch and Edward McGowan, of the city of New York, and such other persons as now are or hereafter shall become members of said society, are hereby constituted a body corporate by and under the name of the Father Matthew United Benevolent Total Abstinence Benefit Society.

§ 2. The object and purpose of said corporation is to accumulate a fund for the use of its members, in disability, sickness and distress, to promote the cause of temperance, and to aid and assist widows and families of its deceased members.

§ 3. The said corporation shall have power of prescribing rules and regulations for the government and management of its affairs, for the admission or expulsion of members, and to enable it to carry out the object of its incorporation.

§ 4. The location and place of business of said corporation shall be in the city and county of New York.

§ 5. The said corporation shall possess all the powers of an ordinary corporation, subject to the provisions of title third, chapter eighteen, of part first of the Revised Statutes, so far as the same are applicable.

§ 6. This act shall take effect immediately.

Chap. 489.

AN ACT constituting the village of South Waterloo, in the town of Fayette, in the county of Seneca, a separate road district, and for other purposes.

Passed May 5, 1863; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that territory in the town of Fayette, in the county of Seneca, lying within the following boundaries, and all streets and parts of streets within such territory, to wit: Beginning in the centre of Seneca outlet, at a point north of the west line of Samuel Thomas' land; thence south to a point twenty-five rods south of the north line of said Thomas' land; thence east to the east line of said town; thence north along said town line to the Seneca outlet; thence westerly along said outlet to the place of beginning, is hereby constituted a separate road district.

Limits of district.

§ 2. The officers of said district shall consist of three street commissioners, one collector and such other officers as are hereinafter authorized to be appointed.

Street commissioners.

§ 3. It shall be lawful for the taxable inhabitants of said district, qualified to vote at town meetings, to meet as soon as may be convenient, after the passage of this act, at such time and place in said district as shall be appointed by some justice of the peace of the town of Fayette, and notified to the inhabitants of said district at least six days previous thereto by a notice posted in three public places in said district, and then and there elect three freeholders of said district to be street commissioners and one collector; and such justice shall preside at such meeting and declare the persons having the greatest number of votes duly elected to the several offices aforesaid. And in like manner on the Tuesday next preceding the annual town meeting in the town of Fayette, in each year thereafter, there shall be an annual election of the officers of said district above specified, and the street commissioners for the time being shall notify the time and

Election thereof.

place for holding such meeting in manner aforesaid and preside at such elections.

Polls of election.

§ 4. The polls of such election shall be opened at one o'clock in the afternoon and continue open until four o'clock in the afternoon of the same day, and no longer. Poll lists shall be kept in the same manner, as nearly as may be, as is provided by law for keeping poll lists at town meetings.

Qualification of voters.

§ 5. Every person voting at such election shall be an actual resident and freeholder of the district, and shall, if required by any person qualified to vote thereat, take the oath prescribed by law regulating town meetings, and in addition thereto he shall swear that he is a freeholder in said district or that he is the owner of personal property in said district liable to taxation.

Terms of office.

§ 6. The term of office of all officers elected or appointed under this act shall expire on the Tuesday next preceding the annual town meeting in the town of Fayette in each year.

Oath of office.

§ 7. Every person chosen or appointed to any office under this act, except the treasurer and collector, shall before he enters on the duties of his office, and within ten days after his election or appointment, take and subscribe before some justice of the peace the oath of office prescribed by the constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town of Fayette.

Meeting of street commissioners.

§ 8. The street commissioners shall meet within ten days after their election, and select one of their number as presiding officer and another as secretary, and they shall appoint one treasurer and one overseer of highways.

Treasurer and collector to give bond.

§ 9. The treasurer and collector shall severally before they enter on the duties of their respective offices execute a bond to the street commissioners in such sum and with such sureties as said commissioners shall approve conditioned that they shall faithfully execute the duties of their respective office, and account for and pay over all moneys received by them respectively, which bonds, with the approval of the said commissioners, certified by the secretary, shall be filed with the clerk of the town of Fayette.

Account of moneys to be kept.

§ 10. The treasurer shall receive all moneys belonging to said district and keep an accurate account of all re-

ceipts and expenditures in such manner as the said commissioners shall direct. All moneys drawn from the treasurer shall be drawn in pursuance of an order of the street commissioners, by warrant signed by the secretary and countersigned by the presiding officer for the time being of said street commissioners. Such warrant shall specify for what purpose the amount therein specified is to be paid, and the secretary shall keep an account under the appropriate heads of expenditure of all orders drawn on the treasurer, in a check book to be provided for that purpose.

§ 11. The street commissioners shall have the management and control of the finances and of all the property belonging to said district, and shall have power to regulate, repair, amend and clean the streets, alleys, highways, side and cross walks, drains and sewers in said district, and to prevent the encumbering of the same in any manner and to protect the same from encroachment and injury; they shall also have power to direct and regulate the enclosing of public grounds and parks and the planting, rearing and preserving trees in such public grounds and parks and in the streets of said district.

Authority
of street
commis-
sioners.

§ 12. The electors at each meeting hereafter to be held for the election of officers of said district shall determine by resolution the amount of money to be raised by tax for the current year to defray the expenses of making, repairing, improving and lighting the streets in said district, and to defray the contingent and other necessary expenses incurred in the improvements made in said district, which amount shall not exceed forty cents on each one hundred dollars of the valuations of the real and personal property within said district as ascertained from the last assessment roll of said town of Fayette. The taxes levied and assessed in pursuance of this section shall be assessed and rated by the said street commissioners upon and among the owners of the estates real and personal in said district according to the last assessment roll of said town of Fayette. All taxes imposed, rated and assessed by the said street commissioners in pursuance of this section shall be collected by the collector of said district in the same manner and with the same power and authority as taxes in and for the county of Seneca are collected by the collectors of

Tax to be
raised.

cers and agents appointed by them, and appoint others in their places, and fill all vacancies in the offices.

Payment of
subscriptions.

§ 5. The directors may require payment of the subscriptions to the stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments made thereon, or may sue for and recover in the name of said corporation, all such subscriptions, and in such sums or portions thereof as may be required by the by-laws. Notices of the time and place of such payments shall be published for three successive weeks previous to such time, in one newspaper published in the county of Ulster, and one newspaper published in the county of Greene.

Seal.

§ 6. The said corporation may have a common seal, which may be altered or renewed at the pleasure of the directors, and all contracts made may be under the signature of the president or other officer or agent of said corporation, and with or without the corporate seal, or may be either written or verbal, if authorized by the by-laws of said corporation, in the same cases that individuals may now make verbal contracts.

Right of
way.

§ 7. It shall be lawful for the said corporation to contract with and purchase the right of way for said railroad of any person or corporation, or of the commissioner or commissioners of highways and supervisor of any town through which the said road may be located, or of the trustees of any village through which said road may pass, and such persons or corporations are hereby authorized to sell and grant such right of way to said company, and said commissioner or commissioners of highways, and supervisor, or trustees of such villages are hereby authorized to grant to said railroad company the right to use any portion of any highway in any of such towns or villages, for the use of said railroad company, and for the laying of the track of said road, provided said company shall not be permitted to make such use of said highways as to unreasonably prevent the public from the use of such highway or street as public highways; and the said railroad company are hereby authorized to erect, build and keep in repair all necessary bridges over streams of water, for the use of said railroad, upon the line of said road.

§ 8. The said railroad company may take and receive, for the construction of said road, or for the use of said road, by gift, grant, bequest, devise or loan, from any person or persons, municipal or other corporation, any money, land, or any other material or thing, for the construction of said road, or the buildings, erections and fixtures therefor, and any person or municipal or other corporation, is hereby authorized to make such gift, grant, bequest, devise or loan to said railroad company for the construction thereof, or of any buildings, erections or fixtures therefor, or for the use of said road. Any person may become a stockholder in said company.

May take
by gift,
grant, &c.,
property.

§ 9. Each stockholder of said railroad company shall be individually liable to the creditors of such company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of such company, until the whole amount of the capital stock so held by him shall have been paid into said company, but shall not be liable to an action therefor before an execution shall have been returned unsatisfied in whole or in part, against the said corporation, and then the amount due on such execution shall be the amount recoverable, with costs, against such stockholders; but in no event shall the stockholders be held personally liable to the said company or to any creditor of said company, except for such portion of the amount of stock held by such stockholder which has not been paid in to said company.

Liability of
stockhold-
ers.

§ 10. If the corporation formed under this act shall not finish and put in condition for operation at least two miles of said road within three years from the passage of this act, its corporate existence and powers shall cease. Said railroad may be so constructed that the carriages thereon may be propelled by horse power or by steam, or mechanical power, and for the purpose of transporting either passengers or wood, lumber or other freight, at the option of the directors.

When cor-
porate
powers to
cease.

§ 11. Section thirteen to section twenty-six, inclusive, of chapter one hundred and forty of the Laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and section twenty-eight of the same act, except that part of the ninth subdivision thereof, which is as follows: "But

Sections of
law of 1850
applied.

such compensation for any passenger and his ordinary baggage shall not exceed three cents per mile;" also sections four, five and six of chapter two hundred and eighty-two of the Laws of eighteen hundred and fifty-four, entitled "An act to amend the act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty," passed April fifteenth, eighteen hundred and fifty-four, and section two of chapter four hundred and forty-four of the Laws of eighteen hundred and fifty-seven, entitled "An act further to amend the act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty," passed April fourteenth, eighteen hundred and fifty-seven, and the acts and parts of acts amendatory of the above mentioned sections shall be applicable to the railroad company hereby authorized, and shall be taken to be and shall form a part of this act.

§ 12. This act shall take effect immediately.

Chap. 479.

AN ACT to provide for the expense of changing the location of a portion of the Baldwinsville canal, and rebuilding the locks thereon.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of twenty-six thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund for the purpose of paying the expense of changing the location of a portion of the Baldwinsville canal, and rebuilding the locks thereon, in accordance with the resolution of the canal commissioners, adopted on the fifth day of July, eighteen hundred and sixty-two; said moneys to be paid whenever the work shall be completed and accepted by the canal commissioner in charge, and when so completed and accepted the same shall be paid upon the estimate of the assistant engineer in charge, approved by the engineer on the middle division, and the State engineer and surveyor. The

moneys remaining after paying the expense of changing the location of the said canal and rebuilding the lock thereon, or so much thereof as may be necessary, shall be applied to paying the expense of dredging the bars contiguous to said lock, if in the opinion of the assistant engineer in charge and the canal commissioner in charge, such dredging shall be necessary and for the best interests of the State.

§ 2. The treasurer shall pay, on the warrant of the comptroller, the sums appropriated by this act, to the parties entitled thereto, to the amounts found to be due on the estimate of the assistant engineer in charge, and approved by the engineer on the middle division, and the State Engineer and Surveyor.

§ 3. This act shall take effect immediately.

Chap. 480.

AN ACT to declare certain lands owned by Luther H. Conklin, in the village of Mexico, Oswego county, a public cemetery, and in relation to the sale thereof.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that tract or parcel of land heretofore conveyed by Elisha Barse to Luther H. Conklin, situate west of and adjoining the cemetery in the village of Mexico, in Oswego county, is hereby declared to be a public cemetery, and shall be exempt from all public taxes, rates and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from said Luther H. Conklin or any of his grantees.

§ 2. It shall be lawful for said Luther H. Conklin, his heirs or assigns, to sell and convey any lots, plots or parcels of said land upon such terms as shall be agreed upon, and subject to such conditions and restrictions, to be inserted in or annexed to the conveyances thereof, as may be thought proper by said Luther H. Conklin, his heirs or assigns; provided that no such lots, plats or parcels of land of two hundred and twenty square feet

or less shall be sold for more than twenty dollars. Said conveyances, executed under the hand and seal of said Conklin, his heirs or assigns, shall be deemed sufficient to pass the title to said lots so conveyed to the grantees therein named all the proceeds of such sales, after reimbursing the said Luther H. Conklin for the purchase money of the lot or parcel of land in the preceding section mentioned, shall be devoted wholly and exclusively to fencing, improving and ornamenting the said cemetery.

§ 3. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, building or other structure placed in said cemetery, or any fence, railing or other work for the protection or ornament thereof, or of any tomb, monument or grave stone or other structure aforesaid, or of any plat or lot within said cemetery, or shall willfully destroy, cut, break or injure any tree, shrub or plant within the limits of said cemetery, shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than ten dollars and equal to three times the amount of the damage done by such offender.

§ 4. This act shall take effect immediately.

Chap. 481.

AN ACT for the relief of New Paltz Academy.

Passed May 5, 1863 ; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The loan of one thousand dollars, together with the interest which has accrued thereon, made to the New Paltz Academy pursuant to an act of the legislature approved April seventh, eighteen hundred and fifty-six, is hereby released to the said academy, and the trustees thereof forever released from the payment of the same to the State, upon the express condition that the said Academy shall always be used for educational purposes, and that the same shall not be aliened or encumbered in any way or manner whatsoever by said trustees.

§ 2. The sum of one thousand one hundred and forty dollars, is hereby appropriated from the general fund, to

reimburse the literature fund for the amount released to the New Paltz Academy under the first section of this act.

§ 3. This act shall take effect immediately.

Chap. 482.

AN ACT authorizing the Canal Commissioners to construct three iron bridges across the Genesee Valley canal, one in the city of Rochester, one at the village of Mount Morris and one at the village of Nunda.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of canal commissioners are hereby authorized and directed to construct and maintain, as a part of the extraordinary repairs of the Genesee Valley canal, an iron bridge, to be constructed according to the plan and style of Whipple's truss double track iron road bridge, with two sidewalks, across the said canal on Plymouth avenue, in the city of Rochester, provided, that after investigation and examination into all the facts in relation to the application for said bridge, the board of canal commissioners shall be of opinion that the State is under legal and equitable obligation to build said bridge, and provided further, that before proceeding to the construction of any such bridge the canal commissioners shall require and receive a full and sufficient release, legally executed, acknowledged and delivered free from expense to the State, of all claims for damages in consequence of the construction of said bridge or of the approaches and embankments to the same, and also a good and sufficient grant or permission to the State duly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments, whenever necessary, which necessity is to be determined by the canal commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments. The said canal commissioners shall enter or cause to be entered in a book of records to be kept in their office, all the testimony and facts ap-

the use and occupation of said bridge and of said turnpike as aforesaid, said persons or their assigns may purchase and take a conveyance from said company of all its rights and interests in said bridge, and in and to that portion of the turnpike road of said company extending from two hundred feet south of said creek to Astoria aforesaid, and upon the payment to said company of the amount so agreed upon, all of the rights, powers and duties of said company in, to or over said bridge, and that portion of said turnpike, hereinbefore mentioned, shall cease and determine; and from that time the persons aforesaid, or their assigns, shall be deemed to be vested with and shall possess and exercise all the rights, powers and privileges in, to and over said bridge and travel thereon, which are now possessed and enjoyed by said company.

Corporation
to be or-
ganized.

§ 4. Said grantees and their associates are hereby required within six months after the passage of this act to organize as a corporation under the general railroad act passed April second, eighteen hundred and fifty, and such corporation when so formed shall have the powers and be subject to all the provisions of the said act not inconsistent herewith, except the following sections or any amendments thereof, namely, the twenty-seventh thirty-first, thirty-fourth (as far as relates to the transportation of property), thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-fourth, and excepting also as to the number of associates and the amount of capital stock to be subscribed as required by the first and second sections of the said act. The said corporation shall make an annual report to the State Engineer and Surveyor of its business and affairs in such manner and form as he shall require.

Corpora-
tion to
maintain
bridge and
regulations
concerning
same.

§ 5. It shall be the duty of the said corporation when it shall construct and operate said railroad, to keep up and maintain the said bridge in good and suitable repair, so that the same shall at all times accommodate the navigation which passes up and down said creek; and the running of cars and any and all vehicles and travel across said bridge shall be so regulated as not to interfere with the passages of vehicles and persons over the same.

Repeal.

§ 6. The legislature may repeal, and from time to time alter or modify this act.

§ 7. This act shall take effect immediately.

Chap. 495.

AN ACT to provide for building a bridge over Chambers' creek, in the towns of Newburgh and New Windsor, in the county of Orange, and for making the present toll bridge over Murderer's creek, in the town of New Windsor, free.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jacob Brown of the town of Newburgh, Joel T. Headley of the town of New Windsor, and William T. Titus of the town of Cornwall, and the supervisors of said towns of Newburgh, New Windsor and Cornwall are hereby appointed commissioners to borrow such sum of money on the credit of the towns of Newburgh and New Windsor, not exceeding ten thousand dollars, as may be directed by said towns, to locate, construct and build a bridge, to be forever free, across Chambers' creek, between the towns of Newburgh and New Windsor, east of the paper mill of Isaac K. Oakley, and to carry the same under or over the New York and Erie railroad, leaving a space adequate for a double track; and to borrow such further sum not exceeding four thousand dollars, on the credit of the towns of Newburgh, New Windsor and Cornwall, as may be directed by said towns, to purchase the corporate rights, privileges and stock of "the directors and company of the Murderer's Creek Bridge Company," for the purpose of making the same forever free, and the same shall thereafter be under the control of the commissioners of highways of the towns of Newburgh, New Windsor and Cornwall.

Commissioners appointed to borrow money, &c.

§ 2. The said commissioners shall cause a careful survey and plan of said bridge, with an estimate of the cost thereof, including every expense to bring the same into full use for the public, to be made and approved by them, and the supervisors of said towns shall advertise for not less than three weeks in two newspapers printed in the county of Orange, for sealed proposals to build and construct said bridge according to the plans and spe-

Survey of plan and cost of bridge.

cifications thereof so adopted and approved; and shall on the day and at the time and place specified in said notice, open said proposals in public, and award the contract or contracts for building said bridge to the lowest responsible bidder, who shall give good and adequate security, to be approved by said commissioners, for performing said work; they shall enter into a sealed and specific contract with the person or persons to whom such contract shall be awarded, requiring good and adequate security for the performance thereof, and fixing a method for an amicable adjustment of any disputes that may arise as to the quality of the work, or the time and manner of finishing the same; but neither the said commissioners, nor any person employed by them, shall modify or alter the plans and specifications of said bridge without the written consent and approbation of the supervisors of the towns of Newburgh and New Windsor.

When new commissioner appointed.

§ 3. In case of the removal from the county, sickness, resignation, death or inability of either of said commissioners to act, any justice of the supreme court not a resident of the county of Orange may appoint in the place of such commissioner a new commissioner, to be an inhabitant and freeholder of the town in which such vacancy shall occur.

Construction of bridge.

§ 4. Such bridge may be constructed of stone, iron or wood, or partly of either, but its whole cost, including all charges and expenses of the commissioners, shall not exceed the said sum of ten thousand dollars. Such commissioners shall receive each two dollars per day for the time actually and necessarily spent in the duties aforesaid, of which each shall render a minute account duly verified to the supervisor of his town; but said commissioners shall not receive in the aggregate beyond the sum of three hundred dollars for the whole of their compensation.

Pay of commissioners.

Borrowing money, and tax to pay same.

§ 5. Before commencing to erect said new bridge over Chambers' creek, and the purchasing of said old bridge over Murderer's creek, the said commissioners shall borrow a sum not exceeding fourteen thousand dollars, as they may deem necessary, on bonds to be issued by them for not less than five hundred dollars each; said bonds shall not be sold at less than par, and to be paid as follows: one-third of the principal sum with the annual

interest thereon in each year, which sum shall be ascertained and expressed by coupons with said bonds, and the board of supervisors of the county of Orange shall annually cause one-third of the sum so to become due in each year to be levied and collected by a tax, as other town charges as follows, to wit: the proportion of said sum to be raised for the erecting of said new bridge over Chambers' creek, from the towns of Newburgh and New Windsor, in proportion to their taxable property, and the amount to be raised for the purchasing of said old bridge over Murderer's creek, from the towns of New Windsor, Cornwall and Newburgh, in proportion to their taxable property, until the whole sum shall be fully paid or satisfied. The collectors of the said towns may receive the coupons of such bonds as shall be due and payable for the year, when the tax for the payment of same shall be levied, in payment of taxes. Each of said bonds before being delivered shall be signed by the said commissioners and countersigned by the supervisors of the said towns, and shall not bear more than seven per cent interest.

§ 6. Each of said commissioners, before entering upon the duties herein authorized, shall give a bond to the people of the State of New York, with two or more good securities, to be approved by any justice of the supreme court or county judge of Orange county, in the penalty of five thousand dollars, conditioned that he will well and faithfully discharge the duty of the commission aforesaid, and pay over and account for all the money which shall come to his hands as such commissioner; and the commissioners from each town shall retain and keep in their hands, as nearly as may be, the proportion of said bonds for which their town is liable, and the proceeds thereof, until the same shall be paid over and applied to the purposes of this act, and the final surplus, if any, shall be paid to the supervisors of the towns in proportion to the amount raised by them respectively, and said surplus so repaid to the several supervisors shall belong to the poor fund of said towns respectively.

Commissioners to give bond.

§ 7. The several bonds to be taken and given under the second section of this act shall be filed with the clerk of Orange county, and said commissioners may, in their own names as such commissioners, bring any actions in

Bonds to be filed with county clerk.

the courts of this State to enforce said bonds so required to be taken from the contractor or contractors.

Highway to
be laid out.

§ 8. The said commissioners are hereby authorized to designate the lines of a highway on and from the line of said bridge, running from the south line of the town of Newburgh, northerly through the lands of Captain Henry Robinson, on the nearest feasible route to Liberty street, in the village of Newburgh. When the line of said highway shall have been so designated, then the same shall be thenceforth under the direction and control of the trustees of the village of Newburgh, to be opened according to the provisions of their charter, and subject to their powers as other streets in said village. And the said commissioners are further authorized to designate the line of a highway on and from the said bridge running from the north line of the town of New Windsor, southerly to the road leading past the house of Joel T. Headley, and that when so designated it shall be under the control of the commissioners of highways of the town of New Windsor, to lay out and open the same according to law.

Who to
keep
bridges in
repair.

§ 9. The commissioners of highways for the said towns of Newburgh, New Windsor and Cornwall, after said bridge over Murderer's creek shall become free to the public, shall keep the same in repair, and the commissioners of highways of the towns of Newburgh and New Windsor, after the erecting of said bridge over Chambers' creek, shall keep it in repair, and each of said towns, so liable to such repairs, shall contribute towards the expenses thereof in proportion to the amount of taxable property in each of said towns.

§ 10. This act shall take effect immediately. 'c

Chap. 496.

AN ACT to incorporate the "Berith Sholen" Synagogue, in the city of Oswego, in the State of New York.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Leopold Garson, Marcus Rypiuski, Solomon Goldberg, Moses I. Garson, Moses Garson, Abram Rypiuski, and Solomon Googenheimer, and their associates, are hereby constituted a body corporate, by the name of "Berith Sholen," to be located in the city of Oswego, for the purpose of worshipping God according to the established rites, ceremonies and usages of the Jewish persuasion.

§ 2. Moses Garson, Abram Rypiuski, and Solomon Googenheimer, are hereby constituted a board of three trustees.

§ 3. As soon as said board shall have organized, the trustees shall, by lot, be divided into three classes of one each, the seats of each class, respectively in order, to become vacant on the first day of January of each year, so that one shall be elected annually thereafter, by the persons mentioned in section (1) one of this act, and those who may hereafter be their associates, and who shall hold their seats for three years.

§ 4. Leopold Garson shall be the first president, Marcus Rypiuski the first vice-president, Solomon Goldberg the first treasurer, and Moses I. Garson the first secretary of said corporation, and who shall hold their offices, respectively, until the first day of January, eighteen hundred and sixty-four, with power to said trustees to fill vacancies.

§ 5. The trustees shall have power to fill all vacancies that may occur in said board, and enact rules and regulations necessary to carry out the purposes of said corporation.

§ 6. The said corporation may hold and possess real and personal estate to the amount of ten thousand dollars, and the funds or property shall not be used for any other purposes than those declared.

§ 7. This corporation shall possess the general powers, and be subject to the general restrictions and liabilities incident to corporations of this nature by the Revised Statutes.

§ 8. This act shall take effect immediately.

Chap. 497.

AN ACT to incorporate the Anglo-African Savings Bank.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporators

SECTION 1. Henry M. Wilson, Lewis W. Green, Henry H. Garnet, Benjamin W. Wilkins, Joseph C. Bustill, Peter S. Porter, Jeremiah W. Bowers, George W. Levere, Richard H. Cain, William Anderson, Samuel J. Howard, Amos G. Beman, Daniel H. Vanderveer, Martin R. Delany and Junius C. Morel, and their successors, shall be, and they hereby are, constituted a body corporate and politic, by the name of the Anglo-African Savings Bank, to be located in the ninth ward of the city of New York, and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever.

May hold certain real estate.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey shall be :

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, ware or mer-

chandise whatever, except in the cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

§ 3. The trustees of said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

No pay to trustees.

§ 4. The business of said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit. Eight of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business, and the affirmative votes of at least nine members of the board shall be required to make any order for, or to give authority to make any investment of any moneys, or to sell or to transfer any stock or securities belonging to the corporation, or the appointment of any officer receiving a salary therefrom.

Officers.

§ 5. The persons named in the first section of this act shall be the first trustees of said corporation, and all vacancies by death, resignation or otherwise in the office of trustee, shall be filled by the board by ballot, without unnecessary delay, and at least nine votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six successive months, may thereupon, at the option of the said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may, at any time for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

First trustees.

Meeting of trustees.

§ 6. The general business and object of the incorporation hereby created, shall be to receive on deposit such sums of money as may be, from time to time, offered therefor, by any tradesman, clerk, mechanic, laborer, minor, servant or other persons, and to invest the same in the securities or stocks of this State, or of the United States, or in the

Deposits.

Officers of
bank, not to
borrow its
funds.

Interest.

Investment
of funds.]

Loans upon
real estate.

stocks or bonds of any city, authorized to be issued by the legislature of this State, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive on deposit, from persons of the description above mentioned, all sums of money which may be offered, for the purpose of being invested as aforesaid, but not to exceed the sum of two thousand dollars from any individual, which shall, as soon as practicable, be invested according to the provisions of this act, and shall be repaid to such depositor when required, at such times, and with such interest, and under such regulations, as the board of trustees shall, from time to time, prescribe, which regulations shall be put up in some public and conspicuous place, in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice-president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same, or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates, or other evidences of deposit made by the proper officer of such corporation, shall be as binding on such corporation, as if they were made under its common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses. No money deposited in the said bank shall be invested, except in the securities of stocks mentioned in this section, in opposition to the vote of any three trustees; but by the consent and approbation of all the trustees present at a regular meeting, amounts to be approved of by them, not exceeding fifteen thousand dollars to any one individual, may be loaned on unincumbered productive real estate, worth, at least, double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond, or other satisfactory personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title, and of

drawing, perfecting and recording papers, shall be paid by such borrower; and it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding one-third of the total amount of deposits, which said trustees, at their discretion, may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct. Temporary deposits may be made in any of the incorporated banks, or in any of the associations which are now or may hereafter be formed under the general banking law in the city of New York, or in any incorporated trust company in said city; and interest may be received thereon at such rates, not exceeding that allowed by law, as may be agreed upon. The said corporation is hereby authorized to accumulate an amount not exceeding five per cent on the amount of deposits therein, to meet any contingency of loss in its business, which amount shall be invested for the security of the depositors in said corporation; and thereafter at each annual examination of the affairs of said corporation, any surplus over and above said sum, shall, in addition to the usual interest, be divided ratably amongst the depositors, in such manner as the board of trustees shall direct.

Duty of trustees as to investing funds.

Accumulations.

By-laws.

§ 7. The board of trustees of said corporation shall have power from time to time to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions and the mode of discharging the same, for the regulation of the times of meeting of the officers and trustees, and generally for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this State or of the United States.

§ 8. The board of trustees may appoint such subordinate officers and agents of the said corporation as they shall deem necessary, who shall, respectively, give such security for their fidelity and good conduct as the board of trustees may, from time to time, require, and said

Trustees may appoint agents

board, from time to time, fix the salaries of such officers and agents.

Report to
bank de-
partment.

§ 9. The said corporation shall, in every year hereafter, make a report to the superintendent of the banking department of this State, as required by law.

Books open
for inspec-
tion.

§ 10. The books of the said corporation shall, at all times during its business hours, be open for inspection and examination to the superintendent of the banking department of this State, and such other persons as the legislature or superintendent of the banking department shall designate or appoint as their or his agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the superintendent of the banking department shall certify to be reasonable and just.

Payments
to minors
and married
women.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by the said minor; and when any deposit shall be made by any female being or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor such sums as shall be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation.

Misnomer.

§ 12. The misnomer of said corporation shall not vitiate the same, if it be sufficiently described to ascertain the intention of the parties.

Examina-
tion into in-
vestments.

§ 13. The supreme court may at any time, on the application of any trustee or depositor in said bank, and on reasonable cause shown therefor to the satisfaction of the said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on

oath by such person or persons so appointed, and the said court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigation to said court, which if satisfied thereby that an officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make further order, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting saving institutions, so far as the same are applicable.

18th chap,
1st part,
Rev. Stat.,
applied.

§ 15. This act shall take effect immediately.

Chap. 498.

AN ACT to incorporate the Market Savings' Bank of the city of New York.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Amor J. Williamson, James C. Stoneall, Luther C. Carter, John Thomas, Gidion L. Walker, Elias J. Beach, Gershom Banker, William C. Conner, Francis C. White, Anthony Mataran, Henry M. Weed, John G. Lightbody, Jacob F. Carlton, Thomas Clark, Alfred Dorlon, Calvin L. Goddard, James S. Carpentier, Francis L. Harris, Alfred A. Valentine, Thomas W. Cowdin, William Van Ame, John P. Huggins, Sherdan Shook, C. F. Wettyen, David H. Gould, Andrew Campbell, B. B. Chappell, John Keyser, Lewis F. Randolph, Henry R. Conklin, Charles Cooper, Loftus Wood, Joseph Forsyth, Isaac S. Allaire, Edward Mills, Samuel Sneed, William H. Leonard, and their successors, shall be, and they hereby are constituted a body corporate and politic, by the name of the Market Savings' Institution,

Corporators

to be located in the second ward of the city of New York, and by that name shall have perpetual succession, and may sue and be sued in any court whatever.

What real estate it may hold.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be :

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith for money loaned, in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned, and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose ; and all such real estate as is described in the second and third subdivisions of this section shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise, and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise whatever, except in the cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

No pay to trustees.

§ 3. The trustees of said corporation shall not, as such, directly or indirectly, receive any pay or emolument for their services.

Officers.

§ 4. The business of the said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit ; eight of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business, and the affirmative vote of at least seven members of the board shall be required to make any order for or to give authority to make any investment of any moneys, or to sell or transfer any stock or securities belonging to the corporation, or the appointment of any officer receiving a salary therefrom.

Vacancies in office, and meetings of trustees.

§ 5. The persons named in the first section of this act shall be the first trustees of said corporation, and all vacancies by death, resignation, or otherwise, in the

office of the trustee, shall be filled by the board by ballot without unnecessary delay, and at least seven votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six successive months, may thereupon at the election of the said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time for due cause remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

§ 6. The general business and objects of the corporation hereby created shall be to receive on deposit such sums of money as may be from time to time offered therefor, and invest the same in the securities or stocks of this State or of the United States, or in the stocks or bonds of any city authorized to be issued by the legislature of this State, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive as deposits all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of two thousand dollars from any individual, which shall as soon as practicable be invested accordingly, and shall be repaid to such depositor when required, at such times and with such interest and under such regulations as the board of trustees shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice-president, trustees, officer, or servant of said corporation, shall directly or indirectly, borrow the funds of said corporation or its deposits, or in any manner use the same or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidence of deposits, made by the proper officer of such corporation, shall be as binding on said corporation as if they were made under their

Deposits
and invest-
ment of
moneys.

Interest.

common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses. No money deposited in the said institution shall be invested except in the securities of stocks mentioned in this section in opposition to the vote of any two trustees; but by the consent and approbation of all the trustees present at a regular meeting, amounts to be approved of by them not exceeding ten thousand dollars to any one individual, may be loaned on unencumbered productive real estate, worth at least double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower, and all the expenses of searches, examinations, and certificates of title, and of drawing, perfecting, and recording papers shall be paid by such borrower; and it shall be the duty of the trustees of said corporation to invest as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding one-third of the total amount of deposits with said institution, at the discretion of the said trustees, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, or interest, or otherwise, in such available form as the trustees may direct. Temporary deposits may be made in any of the incorporated banks, or in any of the associations which are now or may hereafter be formed under the general banking law, in the city of New York, not to exceed the sum of twenty-five thousand dollars to any one bank, or association, and interest may be received thereon, at such rates, not exceeding that allowed by law, as may be agreed upon.

Security.

By-laws.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the regulation of the times of meeting of the officers and trustees, and

generally, for transacting, managing and directing the affairs of the corporation, provided such by-laws, rules and regulations are not repugnant to this act, to the Constitution or Laws of this State, or of the United States.

§ 8. The board of trustees may appoint such subordinate officers of, and agents of, the said corporation as they shall deem necessary, who shall respectively give security for their fidelity and good conduct, as the board of trustees may, from time to time require, and said board shall, from time to time, fix the salaries of such officers and agents.

Subordinate officers

§ 9. The said corporation shall, in every year hereafter, make a report to the superintendent of the banking department of this State, as required by law.

Report.

§ 10. The books of the said corporation shall, at all times during their business hours, be open for inspection and examination to the superintendent of the banking department of this State, and such other persons as the legislature shall designate or appoint as their agent for that purpose; whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation, such sum as the superintendent shall certify to be reasonable and just.

Book to be open for inspection.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same, and the check, receipt or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and when any deposit shall be made by any female, being, or hereafter becoming a married woman, the said corporation may, in their discretion, pay to such last mentioned depositor such sums as shall be due to such female, and the receipt or acquittance of such female shall be a sufficient discharge to said corporation.

Deposits by minors and married women.

§ 12. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

Misnomer.

Examina-
tion of af-
fairs of cor-
poration.

§ 13. The supreme court may, at any time, on the application of any trustee or depositor in said institution, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally; the books, papers, and business of said corporation shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons, and the same court may confer such further powers on the person or persons so appointed, as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigation to the said court, who, if satisfied thereby, that any officer, trustee or servant of said corporation has been guilty of fraud or misconduct, may remove such person or persons and make further order and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

Rev. Stat.
applied.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and to all the provisions of an act entitled "An act in relation to savings' banks," passed March twentieth, eighteen hundred and fifty-seven, and also to all other general laws affecting savings' institutions, so far as may be applicable, and this act may be repealed or altered or amended at any time hereafter.

§ 15. This act shall take effect immediately.

Chap. 499.

AN ACT to establish and continue a ferry from Mott Haven, in the county of Westchester, to the foot of Tenth street and Peck slip, in the city of New York.

Passed May 5, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for Jordan L. Mott, Joseph S. Knox, Benjamin M. Whitlock, John King, Thom-

as Webber and Benjamin Merritt, Charles E. Stevens, Milo P. Dayton and William Florence, their heirs and assigns, to establish and maintain a ferry from the docks now known as Wilson or Mott's docks, at Mott Haven, in the county of Westchester, to the foot of Tenth street, and also to Peck slip, in the city of New York, during a period of twenty-five years after the passage of this act, provided that nothing herein contained shall interfere with the rights of the mayor, aldermen and commonalty of the city of New York, or of any lessee or lessees of any ferry leased by them.

§ 2. The said Jordan L. Mott, Benjamin M. Whitlock, John King, Thomas Webber and B. Merritt, Charles E. Stevens, Joseph S. Knox, Milo P. Dayton and William Florence, their heirs or assigns, shall, within eighteen months after the passage of this act, place, and at all times thereafter keep and maintain one or more good and substantial steam ferry boats or vessels for the safe conveyance of passengers and their baggage, horses, carriages, cattle and freight, between the places aforesaid, with safe and skillful persons to attend the same.

§ 3. The rates of ferriage between the places aforesaid, shall not exceed seven cents for each and every passenger, and the rates for the transportation of freight shall not exceed the rates now charged by the Harlem steam navigation company.

§ 4. This act shall take effect immediately.

Chap. 500.

AN ACT to secure the payment of mechanics, laborers and persons furnishing materials towards the erection, altering or repairing of buildings in the city of New York.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons who shall hereafter, as contractor, laborer, workman, merchant or trader, in pursuance of, or in conformity with, the terms of any contract with or employment by the owner, or by or in

Lien upon
building for
labor and
materials.

accordance with the directions of the owner or his agent, perform any labor or furnish any materials towards the erection of, or in altering, improving or repairing of any building or buildings, or the appurtenances thereto, in the city of New York, on complying with the sixth section of this act, shall have a lien for the value of such labor and materials, or either, upon such house or building and the appurtenances and lot on which the same shall stand, to the full value of such claim or demand, and these liens may be filed and become an absolute lien to the full and fair value of all such work and materials, and to the extent of the right, title and interest then existing of the owner of said premises in favor of every person or persons who shall be employed by any owner, contractor, sub-contractor, jobber or master workman in manner aforesaid, and notwithstanding any sale, transfer or incumbrance made or incurred at any time after the commencement of the work or furnishing of materials; provided that all mortgages given in good faith for full value, which shall have been executed and recorded at any time prior to any actual work done or materials furnished, shall not be affected or impaired by such lien, and provided, also, that no owner shall be required to pay a greater amount than the contract price or value of the work and materials furnished (when no specific contract is made) upon his land by his contractor.

Liens, how enforced.

§ 2. All persons having liens, in order to enforce the same, shall prove their demands in the same manner as in ordinary actions at law, except that no variance as to the persons named as contractor, owner or debtor, in the lien, notice or bill of particulars or statement of claim or in any pleading, shall impair or affect the rights of the claimants as hereinafter defined, and every party shall have relief according to the rights of the parties as they shall appear in evidence.

Priority of liens.

§ 3. In case of successive liens by the contractor, sub-contractor, workman, person or persons furnishing materials, and of a number of liens in favor of different persons, their rights and priorities shall be determined as follows: The lien of the laborer, cartman, material man and sub-contractor shall be entitled to a priority over the contractor for the payments due for his services or materials. In case of several buildings done under one contract, in

conflicting liens, each shall have priority on the particular building where his labor is performed or his material used. Persons standing in equal degree as co-laborers, or various persons furnishing materials, shall have priority according to the date of filing their liens. Where several lien notices are filed for the same demand, as in case of a contractor including claims for workmen to whom he is indebted, and a lien by the workmen, the judgment shall provide for the proper payments, so that under the liens filed, double payment shall not be required, but no payments voluntarily made shall impair the lien of any person, except the one to the person so paid.

§ 4. Any person or persons having filed a notice of lien, may, in ten days thereafter, institute a proceeding to enforce or foreclose the lien, and any owner or other person interested may also commence such proceedings, and in such proceedings each and every person or persons who have filed liens shall be parties to and have notice of the said proceedings, and said person or persons filing liens, before final judgment, shall be notified to appear and join in the said proceedings, by a notice to be served upon said person or persons at least five days before the entering of said judgment. Where the aggregate of liens shall be less than five hundred dollars the said proceedings may be had before any court in the said city, and where they exceed that sum, when the proceedings are commenced, the action shall be conducted in a court of record having equity jurisdiction, and none of the courts in the said city shall be deprived of jurisdiction by reason of the residence of any parties elsewhere, and service of process in such action may be by publication as to any of the parties not residing in this State, or who may have removed therefrom.

Proceed-
ings to en-
force liens.

§ 5. The proceedings shall be commenced by a notice ^{th.} stating the liens and times of filing, and be served upon all persons having filed notices of lien at the place by them designated, and on the owner and incumbrancers when they can be found, requiring them to appear in court at a day and hour named, and be served ten days before the time specified, except those acquiring after-liens, who shall be required to appear summarily at such time as the court, or a judge thereof, shall order, and within ten days after service each party shall file in court,

or with the clerk, a brief statement of his claim, and any party interested may, in five days, state his objections to such claim, and, if in a court of record, copies of these shall be served on the attorney of any claimant whose claim is to be affected by such objection and the issue thus made shall be tried as in ordinary actions. The court shall proceed without regard to matters of form, which shall be amendable at all times while the proceedings progress, without costs, and judgment shall be rendered according to the equity and justice of the claims of the respective parties.

Claimants
may file
notice of
lien with
county
clerk.

§ 6. At any time before the whole work is completed, and within three months after the work is done or the materials furnished, for which a lien is sought, if the work is then finished or abandoned, any claimant may file with the county clerk a notice, stating the residence of the claimant, verified by his oath or affirmation, stating the amount claimed, from whom, and to whom due, or if not yet due, when it will become due, with a brief description of the premises, by street, number or a diagram or boundary, or by a reference to maps open to the public, so as to furnish information to persons examining titles, and the supposed owner, although no error in the owner's name shall impair the validity of the lien. The clerk shall enter in a lien docket the name and residence of the claimant, the person against whom claimed, the amount, and the date of filing, the street and particular place where located, in such manner as to be convenient in searching for the liens by street and block, and he shall receive ten cents on filing the same. He shall also enter on this docket a notice that a suit is commenced thereon, upon a notice of that fact and affidavit of service being filed with him, for which he shall receive five cents. The county clerk shall make searches for such liens on being furnished with a proper description of any property and without reference to the individuals against whom the lien is filed, his fees to be five cents per year for the time embraced in said search.

Duty of
clerk.

Court may
determine
the rights
of parties.

§ 7. In case the parties notified shall neglect to appear and object or insist on any claim, the court may take the proofs and determine the equities of the parties, and in such case, or in cases where they appear and plead, the court may determine the rights of all parties, and the

amounts due to each, and by whom to be paid, and may order any question tried by a jury, or refer the whole matter to a referee, to examine and pass upon the rights of the respective parties and report upon the same in a summary manner, as in case of claims to surplus moneys in mortgage cases, on which every party shall be at liberty to take proofs for or against any claim or lien, and such judgment or decree shall be made thereon as to the rights and equities of the several parties, among themselves and as against any owner, as may be just. Any party aggrieved by any decision, may, within ten days after notice of the judgment or decree, appeal from such judgment or any part thereof, if the judgment is in a district court or in the marine court, to the general term of the court of common pleas, and if in any other court, to the general term of such court; such appeals to be heard and decided, as in case of appeals from an order at special term. Appeal

§ 8. Such appeal shall only stay so much of the proceedings as a judge of either the court below or a judge of the appellate court shall order to be so stayed, until the hearing of such appeal, and on such terms as to security or otherwise as such court or judge may order. On any party being liable for or claiming an amount exceeding five hundred dollars to be affected thereby, such party may appeal to the court of appeals, but such appeal shall in no case stay proceedings, without such security as is now required to such court, nor unless the court in which judgment is rendered shall so order. As to stay of proceedings.

§ 9. Judgments may be enforced by an execution, on which the property on which the lien is adjudged may be sold, and the proceeds distributed as ordered by such judgment, and personal liabilities may be enforced by execution against the property of any party against whom a personal judgment shall have been rendered. The contractor shall be personally liable to the lienor for the whole amount of his indebtedness, and the owner to the extent of the amount due by him to his contractor. When an appeal lies to court of appeals.

§ 10. The lien so filed may be discharged, first, by filing a certificate of the claimant, or his successor in interest, acknowledged or proved as the satisfaction of mortgage is required to be, stating the lien is discharged; second, by depositing the amount of any lien and inte- Enforcing of judgments.

Discharge of liens.

rest to the credit of the lien with the clerk where the lien is filed, provided no action shall have been commenced for the enforcement of said lien, and in case an action shall have been commenced, then such additional amount as security for the costs thereof as a judge of the court where such action shall have been commenced shall deem proper, which sum shall be held subject to such lien in place of the land and building; third, by an entry of an order to discharge the same by any judge of a court of record, made on due proof that one year has elapsed, and that no action or proceeding has been had on such lien, and a certificate of the clerk that no notice of such proceeding has been filed with him; fourth, by a judgment or docket of a judgment exempting such property after ten days, on proof of notice of such judgment, and that ten days have elapsed and no appeal has been taken therefrom; fifth, by an entry by order of the court that the judgment has been secured on appeal; sixth, by satisfaction of any judgment on such lien.

Limitation
of period of
liens.

§ 11. Liens shall in all cases cease after one year, unless by order of court the lien is continued and a new docket made stating such fact (without a discharge of the lien).

Repeal.

§ 12. All former acts giving liens in the city of New York to mechanics and others erecting buildings in the city of New York are repealed, except so far as may be necessary to carry into effect liens acquired before this act takes effect, and any person or persons performing work or furnishing materials under any contract made prior to July first, eighteen hundred and sixty-three, may thereafter acquire a lien therefor pursuant to the provisions of this act.

Effect of
transfer of
interest by
contractor.

§ 13. No transfer or assignment of his interest in the contract by the contractors shall be valid as against parties entitled to file liens under said contract against said contractor.

Who to be
deemed
owner of
lands under
his act.

§ 14. For the purposes of this act, any person or persons who may have sold or disposed of his or their lands upon an executory contract of purchase contingent upon the erection of buildings thereon shall be deemed the owner and his vendee the contractor, and said owner shall in all respects be subject to the provisions of this act.

§ 15. This act shall take effect on the first day of July, eighteen hundred and sixty-three. When act to take effect.

Chap. 501.

AN ACT to amend an act entitled "An act regulating highways and bridges in the counties of Suffolk, Queens and Kings," passed February 23, 1830, and the several acts amending the same.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Subdivision three of section one of an act entitled "An act regulating highways and bridges in the counties of Suffolk, Queens and Kings," passed February twenty-third, eighteen hundred and thirty, is amended so as to read as follows :

To cause such roads used as highways as shall have been laid out, but not sufficiently described, and such as have been used as highways for forty years, and constantly used and worked as such for the last six years by the overseers of highways, but not recorded, to be ascertained, described, and entered of record the width of three rods; provided that if opened to that width it will not disturb fences or buildings which have been erected and maintained in a substantial manner for twenty years past.

When certain roads to be re-recorded.

§ 2. Subdivision five of section one of said act is amended so as to read as follows :

To divide their respective towns into so many road districts as they shall judge convenient, and number the same by writing under their hands, to be lodged with the town clerk, and by him to be entered in the town book; such division to be made annually if they think it necessary, and in all cases when made to be in the last week in December.

Road districts.

§ 3. Section four of said act is amended so as to read as follows :

The commissioners of highways of each town shall, whenever they shall deem it necessary, deliver to the

Assessments for roads and bridges.

supervisor of such town a statement of the improvements necessary to be made on the roads and bridges, together with the probable expense thereof, which supervisor shall lay the same before the board of supervisors at their next meeting. The board of supervisors shall cause the amount so estimated to be assessed, levied and collected in such town in the same manner as other town charges, but the money to be raised in any such town shall not exceed in any year the sum of one hundred and fifty dollars.

§ 4. Section ten of said act is hereby amended so as to read as follows :

Plow and
scraper may
be procured

The commissioners of highways, whenever they shall think it necessary or useful, may direct and empower any overseer of highways in their respective towns to procure a good and sufficient iron or steel shod scraper or plow, or both of them, for the use of his road district, to be paid for by the moneys arising from commutations and fines within such district, and if any deficiency, the balance to be assessed on the taxable inhabitants of the district by the overseer, in the proportion they are respectively assessed on the last annual assessment roll of said town; and if any one so assessed shall neglect or refuse to pay such assessments within thirty days after being called upon, the same may be sued for and recovered by the overseer.

§ 5. Section twelve of said act is hereby amended so as to read as follows :

When com-
missioners
to appoint
overseer.

If any person chosen to the office of overseer of highways shall refuse to serve or his office shall become vacant, the commissioners of highways of the town shall, by warrant under their hands, appoint some other person in his stead, and the overseer so appointed shall have the same power, receive the same compensation, be subject to the same orders, perform the like duties, and be liable to the same penalties as overseers chosen in district meeting.

§ 6. Section twenty-four of said act is hereby amended so as to read as follows :

Work on
highway
and com-
mutation
therefor.

Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed. if required by the overseer of the district where he resides; but every such person, other than an overseer, may elect to commute for his whole assessment

at the rate of fifty cents for each day, in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in repairing and improving the roads and bridges in the same district; and if any person does not commute or work his whole assessment, the part not worked shall be carried forward and added to his next year's assessment.

§ 7. Section twenty-five of said act is hereby amended so as to read as follows:

Every person intending to commute for his assessment shall, within twenty-four hours after he shall have first received notice to appear and work on the highways, pay the commutation money for his whole assessment, and the commutation shall not be considered complete until such money be paid.

Payment of
commuta-
tion money.

§ 8. Section thirty-six of said act is hereby amended so as to read as follows:

Every overseer of highways shall, on the last Monday of December in the year for which he was elected or appointed, render to the commissioners of highways, or one of them, of the town, an account, in writing, verified by his oath or affirmation, and containing:

Overseers
to render an
account.

First. The names of all persons assessed to work on the highways in the district of which he is overseer.

Second. The names of all those who have actually worked on the highways, with the number of days they have so worked.

Third. The names of all those who have been fined, and the sums they have been fined.

Fourth. The names of all those who have commuted, and the manner in which the moneys arising from fines and commutations have been expended by him.

§ 9. Section forty-five of said act is hereby amended so as to read as follows:

It shall be the duty of the town clerk, whenever any order of the commissioners for laying out, altering or discontinuing a road, or determining that a road has become a public highway by having been used for a period of forty years or more, shall be received by him, to post a copy of such order on the door of the house where the annual town meeting in such town was last held, and the time hereinafter limited for appealing from any such

Town
clerk to
post orders
relating to
roads.

order, shall be computed from the time of posting the same.

§ 10. Section fifty of said act is hereby amended so as read as follows :

Drawing of
jury to as-
sess dama-
ges.

Upon such freeholders appearing, the justice who issued the warrant shall draw by lot six of the names of the persons attending to serve as a jury ; and the first six persons drawn, who shall be free from all legal exceptions, shall be the jury to assess the said damages, and whenever a jury shall come before a justice of the peace for such purpose, or to try the question of encumbrance or encroachment upon a highway, such justice of the peace shall have the same powers to preserve order and decide on qualifications of jurors and points of law as on the trial of a civil action, and subject to the same right of appeal as in such actions.

§ 11. Section sixty-eight of said act is hereby amended so as to read as follows :

Appeal
from order
of commis-
sioners.

Every such appeal shall be in writing, addressed to the judge, and signed by the party appealing. It shall briefly state the grounds upon which it is made, and whether it is brought to reverse entirely the determination of the commissioners, or only a part thereof ; and, in the latter case, to specify what part, and a notice of such appeal to be served on the commissioners, or one of them, in the same manner and within the same time as upon the county judge, and if the order appealed from is upon the application of one or more petitioners, the notice shall in like manner be served on all of said petitioners.

§ 12. Section eighty-two of said act is hereby amended so as to read as follows :

Certain
roads de-
clared pub-
lic high-
ways.

All public highways now in use, heretofore laid out and allowed by any law of this State, of which a record shall have been made in the office of the clerk of the county or town, and all roads not recorded which have been used as public highways for forty years or more, and which shall have been worked and used as such for the last six years, shall be deemed public highways, but may be altered in conformity to the provisions of this act.

Commis-
sioners

§ 13. Every commissioner of highways within said counties shall, within ten days after receiving notice of

his election to such office, file with the supervisor of his town a bond with two good and sufficient sureties to be approved by such supervisor, conditioned for the payment of one thousand dollars for the faithful performance of his duties, and for the accounting to the board of town auditors for all moneys received or disbursed by him as such commissioner.

of highways
to give
bond.

§ 14. Overseers of highways shall be elected in their respective road districts on the second Monday of January in each year. It shall be the duty of the overseer of highways, by a notice posted at least one week previous in the three of the most public places in the district, to appoint the place and hour of meeting for election of overseer of such district for the ensuing year; the overseer, if present, to preside at such meeting and the meeting to choose a clerk, who shall count the votes and declare the result. The overseer shall be chosen by ballot, and the person having the highest number of votes shall be declared elected. Any person who shall have been assessed to work on the highway within three years shall be entitled to vote. The clerk shall notify the person elected within three days, and notify the town clerk within ten days.

Election of
overseers
regulated.

§ 15. The provisions of this act shall not apply to the county of Kings, or the highways thereof, but as regards such county and highways, the existing provisions of law shall have the same force and effect as if this act were not passed.

Prohibition
as to Kings
county.

Chap. 502.

AN ACT to authorize the canal appraisers to hear and determine the claim of Woolcott B. White and Diana Hutchinson.

Passed May 5, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the claim of Woolcott B. White and Diana Hutchinson, for damages claimed to have been sustained by them in consequence

of the leakage through the embankment and a break in the Black River canal, in the town of Western, Oneida county, and flooding the land of the said parties, and to make such award thereon, if any, as the State shall be legally and justly liable for, subject to appeal to the canal board.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum, if any, as shall be awarded and finally adjudicated, as provided for by the preceding section of this act, out of any moneys in the treasury appropriated or to be appropriated to the payment of canal damages.

§ 3. This act shall take effect immediately.

Chap. 503.

AN ACT to release the interest of this State in certain real estate, of which George Jameson died seized, to Sarah A. Solomon, Elizabeth Tomlinson and John Craig.

Passed May 5, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of this State, in and to all the real estate, lands and premises situate in the county of Kings, in this State, whereof George Jameson died seized, and more particularly in and to all those two certain lots and buildings thereon with the appurtenances known as fifty-one and fifty-three Talman street, in the city of Brooklyn, in said county and State, is hereby released to Sarah A. Solomon, Elizabeth Tomlinson and John Craig, their heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any purchaser or any creditor by mortgage, judgment or otherwise in the said premises.

§ 3. This act shall take effect immediately.

Chap. 504.

AN ACT to incorporate the People's Savings Bank of the city of New York.

Passed May 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. William Seligman, William C. Conner, Daniel Drew, James K. Place, Mark Hoyt, Cyrus H. Loutrel, Cephas Brainerd, William Hulbert, Edward C. Johnson, Andrew V. Stout, Erasmus Sterling, Frederick Olmsted, Samuel W. Stebbins, George T. Hope, Harvey H. Woods, William Borden, Stephen Hills, Jr., Henry I. Armstrong, James W. Newton, Benjamin F. Manierre, T. R. Butler, Elliott F. Shephard, James L. Hastie, Johnston Fountain, David H. Gildersleeve, Thomas L. Thornell, James M. Halstead, Alrich Henkin, W. A. Burtis, Jr., George P. Putnam, Luther S. Lawrence, Thaddeus V. Taber, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of the People's Savings Bank, to be located in the Third ward in the city of New York, and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever. Corporators

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be : What real estate it may hold.

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees, obtained or rendered for money so loaned ; and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose ; and all such real estate as is described in the second and third subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise ; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchan-

dise whatever, except in the cases where it is authorized to do so by the terms of this act and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

No pay to trustees.

§ 3. The trustees of said corporation shall not, as such, directly or indirectly, receive any pay or emolument for their services.

Officers.

§ 4. The business of said corporation shall be managed and directed by the said board of trustees, who shall elect, from their number, a president, two vice-presidents, and such other officers as they may see fit; eight of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business, and the affirmative votes of at least seven members of the board shall be requisite to make any order for, or to give authority to make any investment of any moneys, or to sell or transfer any stock or securities belonging to the corporation, or the appointment of any officer receiving a salary therefrom.

Vacancies in office and meetings of trustees

§ 5. The persons named in the first section of this act shall be the first trustees of said corporation, and all vacancies by death, resignation or otherwise, in the office of trustee, shall be filled by the board by ballot, without unnecessary delay, and at least seven votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six successive months, may thereupon, at the option of the said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time, for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

Deposits and investment of moneys.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor, by tradesmen, clerks, mechanics, laborers, minors, servants and others, and to invest the same in the securities or stocks of this State or of the United States, or in the stocks or bonds of any city, authorized

to be issued by the legislature of this State, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive on deposit, from persons of the description above mentioned, all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of two thousand dollars from any individual, which shall, as soon as practicable, be invested according to the provisions of this act, and shall be repaid to such depositor when required, at such times, and with such interest, and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice-president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit made by the proper officer of such corporation shall be as binding on such corporation as if they were made under its common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses. No money deposited in the said bank shall be invested, except in the securities of stocks mentioned in this section, in opposition to the vote of any three trustees; but by the consent and approbation of all the trustees present at a regular meeting, amounts to be approved of by them, not exceeding ten thousand dollars to any one individual, may be loaned on unincumbered productive real estate, worth at least double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond, or other satisfactory personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers,

Interest.

Security.

shall be paid by such borrower; and it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding one-third of the total amount of deposits, which said trustees, at their discretion, may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct. Temporary deposits may be made in any of the incorporated banks, or in any of the associations which are now or may hereafter be formed under the general banking law in the city of New York, or in any incorporated trust company in said city, and interest may be received thereon at such rates not exceeding that allowed by law, as may be agreed upon. The said corporation is hereby authorized to accumulate an amount not exceeding five per cent on the amount of deposits therein, to meet any contingency of loss in its business, which amount shall be invested for the security of the depositors in said corporation, and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said sum, shall, in addition to the usual interest, be divided ratably amongst the depositors in such manner as the board of trustees shall direct.

By-laws.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions and the mode of discharging the same, for the regulation of the times of meeting of the officers and trustees, and generally for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, the constitution or laws of this State, or of the United States.

Subordi-
nate officers

§ 8. The board of trustees may appoint such subordinate officers and agents of the said corporation as they shall deem necessary, who shall, respectively, give such security for their fidelity and good conduct as the board of trustees may from time to time require, and said

board shall, from time to time, fix the salaries of such officers and agents.

§ 9. The said corporation shall make a report to the superintendent of the banking department of this State, as required by law. Report.

§ 10. The books of the said corporation shall, at all times during its business hours, be open for inspection and examination to the superintendent of the banking department of this State, and such other persons as the legislature or superintendent of the banking department shall designate or appoint as their or his agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the superintendent of the banking department shall certify to be reasonable and just. Books to be open for inspection.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and when any deposit shall be made by any female being or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor such sums as shall be due to her, and her check, receipt, or acquittance shall be a sufficient discharge to said corporation. Deposits by minors and married women.

§ 12. The misnomer of said corporation, in any instrument, shall not vitiate the same, if it be sufficiently described to ascertain the intention of the parties. Misnomer.

§ 13. The supreme court may, at any time, on the application of any trustee or depositor in said bank, and on reasonable cause shown therefor to the satisfaction of the said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath Examination into affairs of corporation.

by such person or persons so appointed, and the said court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigation to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

Revised
Statutes
applied.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting saving institutions, so far as the same are applicable; and this act may be repealed or altered or amended at any time hereafter.

§ 15. This act shall take effect immediately.

Chap. 505.

AN ACT for the relief of James O'Maley and his bail.

Passed May 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The attorney-general is hereby directed, on payment being made to him of the costs incurred therein, to discontinue an action commenced by the people of the State of New York against James O'Maley and his bail, upon a bond given by them, and which accompanied his proposition on or about the eighteenth day of May, eighteen hundred and fifty-nine, to construct and finish for the said State, section number thirteen of the enlargement of the Cayuga and Seneca canal, and thereupon said bond shall be canceled.

§ 2. This act shall take effect immediately.

Chap. 506.

AN ACT to amend an act entitled "An act in relation to jurors, and to the appointment and the duties of a commissioner of jurors in the county of Kings," passed April 17th, 1858.

Passed May 7, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seventeen of the act entitled "An act to amend an act entitled 'An act in relation to jurors, and to appointment of a commissioner of jurors in the county of Kings,'" passed April 17th, 1858, is hereby amended by adding thereto, as follows :

The names of all grand or petit jurors excused from service for any term or part of a term of any court embraced within this act, may be returned to the ballot-box to be re-drawn for any subsequent jury, and the judges assisting the commissioner at any drawing shall first see, on breaking the seals of the ballot-boxes, that the excused jurors are returned to the proper box to be re-drawn.

§ 2. Section six of the said act is hereby amended so that the compensation of said commissioner shall be three thousand dollars per annum, payable quarterly.

§ 3. This act shall take effect immediately.

Chap. 507.

AN ACT to authorize the formation of a Railroad Company, commencing at the city line, in the city of Brooklyn, in the county of Kings, to any part of the village of Jamaica, in the county of Queens, and to purchase the franchise of the Brooklyn and Jamaica Turnpike Company.

Passed May 7, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporators

SECTION 1. William Durland, Martin I. Duryea, and their associates and successors, are constituted and created a body corporate, by the name of the "East New York and Jamaica Railroad Company," and by that name shall have perpetual succession, with all the general powers of a corporation conferred by law, and such incidental powers, rights and privileges as may be requisite and necessary to carry out and accomplish the objects and purposes of its organization.

Powers.

§ 2. The said corporation shall possess the general powers and privileges and be subject to the general liabilities of turnpike corporations as provided in the eighteenth chapter of the first part of the Revised Statutes, saving and excepting when the same are contrary to the provisions of this act.

Location of road.

§ 3. The said corporation shall have the right and it is hereby authorized to lay rails for the passage of railroad cars, to be drawn by horses, on each side of the road now known as the Jamaica and Brooklyn plank road, from the terminus of the Fulton avenue road, at the city line of the city of Brooklyn, Kings county, to any part of the village of Jamaica, in Queens county.

Right of way.

The said corporation may agree with the proper persons, companies or authorities, for the purchase or legally obtaining such road, or any part thereof, and after the same shall have been purchased or obtained, the provisions of this act shall apply to such plank road or right thus acquired. Nothing herein contained shall be construed so as to prevent the corporation hereby created

from crossing any plank road, horse-railroad, turnpike or other highway.

§ 4. The said corporation shall be entitled to collect and receive the same tolls as are now allowed by law to turnpike and plank road companies, in case they shall purchase the franchise of the Brooklyn and Jamaica Turnpike and Plank Road Company and comply with the provisions of law in relation thereto, and shall be entitled to charge for passengers ten cents per head, provided they are carried the whole distance of the road, and for any shorter distance, such proportional sum as shall be fixed by the corporation. The said corporation shall keep and maintain the road-bed between the tracks hereby authorized, in good order. Tolls.

§ 5. In case the said corporation hereby formed, shall be unable to agree with the Jamaica and Brooklyn Plank Road Company, or any other corporation for a right of way over their road, it shall be lawful for said corporation and it is hereby authorized, to purchase real estate for the purpose of its railroad aforesaid, other than that owned by the said plank road company, to wit, over and along Liberty avenue, and it may acquire such right of way in the same manner, and by like special proceedings, as are required for obtaining title to real estate, pursuant to the provisions of an act to authorize the formation of railroad corporations and to regulate the same, passed April second, eighteen hundred and fifty, and the several acts amendatory thereof; and such modifications of the said act may be made in regard to said special proceedings, as shall be directed by a justice of the supreme court sitting at special term in the second judicial district, or by the county court of Queens county, in order to render the same applicable to the corporation hereby created, and to effectuate and make the same valid for acquiring the said right of way. And after such right of way shall have been thus acquired, the said courts, or either of them, is hereby authorized and directed to issue such process as may be required to the sheriff of the county of Kings or Queens, commanding said officer to forthwith put the said corporation in possession of the lands thus acquired. When corporation may purchase real estate for purpose of road.

Jurisdiction of court.

Issuing of process.

§ 6. The capital stock of the corporation hereby created, shall not exceed the sum of three hundred Capital stock.

thousand dollars, and when it has expended the sum of two hundred thousand dollars, it is authorized to issue bonds for the sum of one hundred thousand dollars.

Sec. 1 of act
relating to
plank roads
applied.

§ 7. Section one of an act entitled "An act in relation to plank roads and turnpike roads," passed March twenty-eighth, eighteen hundred and fifty-four, shall apply to the corporation hereby authorized, excepting such parts thereof as may be in conflict with the provisions of this act.

Size of rails

§ 8. The said corporation shall have the right to lay rails of such size and pattern, as shall be most suitable for the purposes of said corporation; and the road authorized to be constructed by this act shall be completed within three years from the passage of this act.

§ 9. This act shall take effect immediately.

Chap. 508.

AN ACT to define and limit the number of Notaries Public in the several counties in this State, and confer authority to take affidavits and acknowledgments.

Passed May 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Hereafter no more notaries public shall be appointed in any county in this State, except in the county of Kings, the city of Buffalo, and the city and county of New York, than one for every two thousand of population residing in said county, as shown by the census taken in this State next preceding any appointment hereafter to be made.

§ 2. Notaries public shall have all the powers now conferred upon them by law, and shall also have power to take affidavits and certify to the same, and to take and certify the acknowledgment and proof of deeds and other instruments in writing in all cases where justices of the peace or commissioners of deeds may now take and certify the same, and all acts of notaries public in making or taking such certificates of the acknowledgment or proof of deeds or other instruments in writing since the

passage of the act, chapter three hundred and sixty of the Laws of eighteen hundred and fifty-nine, are hereby confirmed and declared valid.

§ 3. This act shall take effect immediately.

Chap. 509.

AN ACT to release to Aaron Scofield the interest of the State in certain lands in the city of Brooklyn, conveyed to him by John A. Betts and wife.

Passed May 7, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The people of the State of New York do hereby release all their estate, right, title and interest in or to the lands, premises and real estate described in a certain deed bearing date June twenty-ninth, A. D. eighteen hundred and fifty-three, made and executed by John Munroe and Bridget Munroe his wife, to Valentine Hendrickson, and recorded in the office of the register of deeds in and for the county of Kings, in liber three hundred and thirty-one of conveyances, at page two hundred and eight, on the second day of August, A. D. eighteen hundred and fifty-three, unto Aaron Scofield, and to his heirs, grantees and assigns forever. The following is a description of said lands, premises and real estate, taken from said deed, to wit: 'All that certain lot, piece or parcel of land, situate, lying and being in the ninth ward of the city of Brooklyn, aforesaid, known and distinguished on a certain map entitled 'Map of land in the city of Brooklyn, formerly belonging to Cornelius Van Cleef, and by him conveyed to Anson Blake and Hunn C. Beach,' surveyed by Willard Day, city surveyor, Brooklyn, December first, eighteen hundred and forty-one, and filed in Kings county clerk's office, April first, eighteen hundred and forty-two, as and by the number fifty, which is bounded and described as follows: Commencing at a point on the southerly line of the land of the Brooklyn and Jamacia Railroad Company, which said point is three hundred and seventy-five feet easterly from the easterly side of Vanderbilt avenue, running thence east-

erly along the land of the said railroad company, twenty-five feet, to lot number fifty-two, on said map; thence southerly along said last mentioned lot, one hundred feet; thence westerly twenty-five feet to lot number forty-eight, on said map; thence northerly along said last mentioned lot one hundred feet, to the point or place of beginning; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining."

§ 2. This act shall take effect immediately.

Chap. 510.

AN ACT concerning the Brooklyn Central and Jamaica Railroad Company.

Passed May 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Route of
road may
be changed.

SECTION 1. The Brooklyn Central and Jamaica Railroad Company is hereby authorized and empowered to change the route or line of its road in such manner as said company may deem necessary, at or near its intersection with the easterly limits of the city of Brooklyn, so as to run across the lands now or lately belonging to one James L. Williams, upon acquiring the necessary permission or title to occupy the same; and for that purpose said company is hereby authorized to exchange any lands now owned by said company at or near said easterly limits of said city for so much of the lands now or lately belonging to said Williams above specified as may be necessary to make such change, upon such terms and conditions as may be agreed upon between said company and the owner or owners of said land.

Mortgage
lien charg-
ed to lands
acquired.

§ 2. Upon such change of route being made, any mortgage which shall be a lien upon that portion of the railroad of said company where said change is made, at the time of making the same, shall immediately become a lien upon the lands acquired by said company, and the track laid thereon, for the purposes of such change, with the like force and effect as if the same had been owned by said company at the time such mortgage or mortgages

were given, and had been specially mentioned therein; and the lands and tracks conveyed in exchange for said lands and track now owned by said company shall thenceforth be released and discharged from the lien of said mortgages.

§ 3. Said company is hereby authorized and empowered to construct and operate a ferry across Jamaica bay to and from a point at or near Canarsie and transport freight and passengers thereon for compensation; and for that purpose said company may procure and use one or more ferry boats, together with all necessary means and facilities for the proper operation thereof, and for receiving and discharging freight and passengers therefrom. If said company shall be unable to obtain the lands, means and facilities required for the purposes aforesaid, by gift or purchase, said company may acquire title to the same in the manner provided for acquiring title to lands for railroad purposes, in the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof; and upon paying or depositing, as in said acts provided, the compensation or damages awarded to the owner or owners thereof, said company shall have the right to take, hold and use said lands, means and facilities, for the purposes in this section specified.

Ferry may
be con-
structed.

§ 4. Said company is also hereby authorized to lease the whole or any part of its road, with any of the equipments thereof, to such parties and on such terms and conditions, and for such period of time as its directors shall determine; but the lessee or lessees thereof shall operate and use the same, subject to all the restrictions and obligations imposed upon said company by this act or any existing statute.

May lease
road.

§ 5. This act shall take effect immediately.

Chap. 511.

AN ACT to appropriate the income and revenue which may be received from the investment of the proceeds of the sale of the lands granted to this State by the act of Congress entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two.

Passed May 14, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The income and revenue which may be received from the investment of the proceeds of the sale of the lands, or any part of them, granted to this State by the act of Congress entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, shall be disposed of, as hereinafter directed.

Proceeds of
investment
to be paid
to trustees
of People's
College.

§ 2. The said interest, income and avails of the said investment are hereby appropriated to, and shall from time to time, as the same shall be received, be paid over to the trustees of the People's College, located at Havana, in the county of Schuyler, for its use and behoof, in the mode and for the purposes in said act of Congress defined; provided, however, such payments shall not be made unless the said trustees shall show to the satisfaction of the regents of the university of this State, and so to be certified by them. within three years from the passage of this act. that the said trustees are prepared with at least ten competent professors to give instruction in such branches of learning as are related to agriculture and the mechanic arts, including military tactics, as required by the said act of Congress, and that they, the said trustees, own and are possessed of suitable college grounds and buildings, properly arranged and furnished, for the care and accommodation of at least two hundred and

Provided.

fifty students, with a suitable library, philosophical and chemical apparatus, and cabinets of natural history, and also a suitable farm, for the practical teaching of agriculture, of at least two hundred acres, with suitable farm buildings, farming implements and stock ; and also suitable shops, tools, machinery, and other arrangements for teaching the mechanic arts, all of which property must be held by the said trustees absolutely, and be fully paid for ; and provided further, that the said college shall be subject to the visitation of the said regents ; and provided further that the said payment shall cease whenever, in the opinion of the said regents, the said college shall neglect to fulfill the conditions of this appropriation ; and that whenever the proceeds of the investment or investments aforesaid shall be in excess of the needs of said college, the regents of the university, who shall have power to determine the amount of such excess, shall notify the comptroller, and he shall thereafter withhold the same from said college ; and provided further, that the said People's College shall conform to the act of congress aforesaid in making an annual report, and transmitting copies thereof to the Secretary of the Interior at Washington and to other colleges.

Proviso.

Excess of investment.

Proviso.

§ 3. From and after the time the said trustees of the said college shall have become entitled to the benefits of this act as aforesaid, the said college grounds, farm, workshops, fixtures, machinery, apparatus, cabinets and library shall not be incumbered, aliened or otherwise disposed of by the said trustees ; and any attempt by the said trustees so to do, shall be utterly void, and of no effect. But such machinery, apparatus, cabinets and library, or any part thereof, may at any time be disposed of by the said trustees, on reasonable cause therefor being shown, to the satisfaction of the regents, and on such terms as the said regents may approve.

Property not to be incumbered or disposed of.

Exception.

§ 4. From the commencement of the year one thousand eight hundred and sixty-eight, or whenever in the opinion of the regents of the university, the income arising from the investments provided for in this act shall warrant the same, the People's College shall receive students from each county in this State, and shall give and furnish to them instruction in any or all the prescribed branches of study pursued in any department of said institution,

When college to receive students from each county of the state free of charge for tuition, &c.

Number so received to be designated.

When and what students may have board, tuition and room rent free.

Disposition of remainder of income.

All payments made out of this trust fund.

free from any tuition fee or any incidental charges to be paid to said college; and the regents of the university shall, from time to time, designate the number of students to be so educated, but they shall be selected, or cause to be selected, by the chancellor of the university and the superintendent of public instruction, who shall jointly publish such rules and regulations in regard thereto as will, in their opinion, secure proper selections, and stimulate competition in the academies, public and other schools in this State. From and after the same time, also, the said regents of the university shall each year, in accordance with the income of the college, determine the number of youth of the State of New York whom the faculty of the college, after due examination and with the approbation of the trustees thereof, shall admit as properly qualified students, who shall be exempt from any payment for board, tuition or room rent; but in the selection of students preference shall be given to the sons of those who shall have died in the military or naval service of the United States.

§ 5. The remainder of the income and revenues mentioned in the first section of this act, not appropriated to the People's College, as aforesaid, shall be paid over from time to time, in such manner and proportions as the said regents shall determine, to such of the colleges of this State as shall be willing to comply in their arrangements and instruction to the requisitions of the act of Congress aforesaid, and in such manner as in the judgment of the said regents shall best carry out the true intent and meaning of the said act, having reference in such selection and division to the existing arrangements of such colleges respectively, for instruction in agriculture and the mechanic arts, and giving preference as far as may be to such institution as shall receive endowments after the passage of this act, for the purpose of advancing instruction in agriculture and the mechanic arts. The provisions of the third section of this act shall apply to the institutions so selected as aforesaid.

§ 6. All payments to be made under this act, shall be made by the treasurer, on the warrant of the comptroller, out of the special or trust fund on deposit with the treasurer, arising from the receipt of the income and revenue mentioned in the first section of this act.

§ 7. The legislature may, at any time, alter, amend, or repeal this act. Act may be amended or repealed.

§ 8. This act shall take effect immediately.

Chap. 512.

AN ACT for the relief of Warren Granger.

Passed May 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Auditor of the Canal Department is hereby authorized and directed to credit Warren Granger, collector of canal tolls at Buffalo for the year eighteen hundred and sixty-two, the sum of one thousand six hundred eighteen dollars, and allow that sum to him in the settlement of accounts for tolls, that being the amount stolen from the safe in said collector's office, on the night of October twenty-sixth, eighteen hundred and sixty-two, provided that the auditor is satisfied that the money was stolen without the fault or negligence of said Granger.

§ 2. This act shall take effect immediately.

Chap. 513.

AN ACT to authorize the construction of a railroad and tracks to and from and through the villages of Canarsie and Gravesend, in the county of Kings.

Passed May 17, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for Cornelius Bennett, Corporators
 Sr., John V. N. Bergen, George W. Close, John Lott, Irvin H. McBride, Robert C. Hill, Stephen J. Voorhies, William Bryan, William Gardner, Mortimer C. Tunison, Abraham Ditinars, Jacob Cole, John Kernan, Henry P. DeGraaf, and James Butler, and those who may now or hereafter be associated with them, to lay a single railway track on any part of the route described as follows :

Route of
road.

Commencing on the road leading from Canarsie to the landing at Jamaica bay, at or near said bay, and running thence upon said road through said village of Canarsie, and thence upon the road leading to New Utrecht lane, which said road is commonly known in whole or in part as the Little lane, until the said tracks reach said New Utrecht lane; thence upon said last mentioned lane or road to the road commonly called Bergen lane; thence upon said last mentioned lane or road to the road commonly called the Shell road; thence upon said last mentioned road to and through the village of Gravesend to a point of termination which the said grantees may select upon any part of said Shell road, or of the continuation thereof beyond the said village of Gravesend towards the ocean, by whatever name such continuation may be known. Said grantees may also lay branch tracks for convenience of receiving or discharging passengers upon any road crossed by their said track, to a distance not exceeding eight hundred feet from their said track. The rights hereby granted are, however, subject to any rights held by corporations or individuals in and to any and all the roads to be used or crossed by the tracks to be laid by said grantees. Suitable turnouts may be laid upon said roads, in such a manner as not to obstruct travel upon said roads. Said railroad shall not be constructed upon any road or public highway unless the consent in writing of the supervisor and commissioners of highways of the town in which the said road or public highway is situated be obtained thereto, and such consent shall be acknowledged and certified so as to entitle it to be recorded and the same shall be recorded in the office of the register of Kings county, and filed in the office of the town clerk of the town.

Branch
tracks.

Turnouts.

Prohibition

Weight of
rail.

§ 2. The rails to be laid upon said track shall be of a weight not less than thirty-three pounds to the lineal yard.

Animals or
dummy en-
gines may
be used.

§ 3. The cars to be used upon said track may be drawn either by horses or other animals, or by steam power, with an engine such as is commonly known as the dummy engine, but not by the ordinary steam locomotive.

Rate of fare

§ 4. No greater sum than three cents per mile shall be charged to passengers for riding any distance over said

road, but fractions of a mile are to be counted as one mile.

§ 5. The said road shall be commenced within two years from the passage of this act, and at least one-half thereof shall be completed and in order for running within three years from the same period.

Completion
of road.

§ 6. Said grantees and their associates are hereby required within six months after the passage of this act to organize as a corporation under the general railroad act passed April second, eighteen hundred and fifty, and such corporation when so formed shall have the powers and be subject to all the provisions of the said act not inconsistent herewith except the following sections or any amendments thereof, namely, the twenty-seventh, thirty-first, thirty-fourth (as far as relates to the transportation of property), thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-fourth, and excepting also as to the number of associates and the amount of capital stock to be subscribed, as required by the first and second sections of the said act. The said corporation shall make an annual report to the State Engineer and Surveyor of its business and affairs in such manner and form as he shall require.

Grantees to
organize as
a corpora-
tion.

§ 7. The legislature may at any time repeal, modify or amend this act and the grant hereby confirmed.

Act may be
repealed or
altered.

Chap. 514.

AN ACT providing for relief to the indigent families of volunteers and persons who may be ordered into the military or naval service of the United States.

Passed May 17, 1863 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor, town clerk, and justices of the peace in each of the towns and the common council of the respective cities of this State, shall, *ex officio*, constitute a board of relief for their respective towns and cities, and as such board shall have power from time to time to grant such relief to the indigent families of vol-

unteers from this State, residing in such towns, and of persons ordered into the military or naval service of the United States, as shall seem necessary and proper, and the amount of such relief shall be a town or city charge respectively as the same may be upon the respective towns and cities in which the same shall be granted, and shall be audited, collected and paid in the same manner as other town and city charges now authorized by law are audited, collected and paid.

§ 2. This act shall take effect immediately.

Chap. 515.

AN ACT to provide for the drainage of the low lands in the northeast part of the town of Cambria, in the county of Niagara.

Passed May 17, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners to
be appoint-
ed by su-
preme
court.

SECTION 1. The supreme court shall appoint three suitable persons, who are freeholders, residing in the county of Niagara, commissioners of draining the low lands in the northeast part of the town of Cambria in the county of Niagara; it shall be the duty of said commissioners to cause a map and survey of the low lands on farm lots numbers twenty-three, thirty-one, thirty-eight and thirty-nine in the fourteenth township and seventh range of the Holland purchase (so called), being in the town of Cambria, and lot number fifteen in the same township and range, lying in the town of Lockport, exhibiting the number of acres in each and every of the several separate tracts of land which, in their judgment, will be directly benefited by such drainage, together with the names of the owners or occupants of said several separate tracts of land as far as such names can be ascertained; they shall also cause the level of said low lands to be ascertained with reference to the thorough and efficient drainage thereof.

Designation
of commis-
sioners.

§ 2. Said commissioners shall be designated and known as "The commissioners for draining the low lands in the northeast part of the town of Cambria," and before enter-

ing on the discharge of their duties they shall severally take an oath or affirmation in writing, faithfully to discharge the duties of said appointment, and file the same in the office of the clerk of the county of Niagara; and shall also severally execute to the people of the State of New York, a bond with sureties in the penal sum of five thousand dollars, conditioned for the faithful performance of their several duties as such commissioners, and for the paying over and accounting for all such sum and sums of money as shall come into their hands severally as such commissioners, according to the provisions of this act; which bonds shall be approved as to their form and manner of execution and the sufficiency of the sureties, by the clerk of the county of Niagara, or by the county judge of said county, and when so approved shall be filed in the office of the clerk of the county of Niagara.

They shall give bonds.

§ 3. It shall be the duty of said commissioners to cause to be cut through said low lands or some portion thereof one or more main ditch or ditches, commencing at such point or points (as they may deem expedient), and extending in such direction or directions from at such point or points to such stream or streams, outlet or outlets, as said commissioners shall deem most advisable, and so many lateral ditches as will be sufficient for the thorough and effectual drainage of said low lands; they shall have power to determine the size and location of such main and lateral ditches, the descent of the bottom and the slope of the sides of the same, and all other matters appertaining to the construction of said ditches.

Duties of commissioners.

§ 4. When said commissioners shall have determined the size and location of said ditches and the descent of the bottom and the slope of the sides thereof, they shall cause the same to be delineated or specified on the map mentioned in the first section of this act, and shall then cause one copy of said map to be filed in the office of the clerk of the county of Niagara, and one copy thereof to be filed in the office of the clerk of the town of Cambria.

Shall cause a map to be made and filed in county clerk's office.

§ 5. The said commissioners shall have the power to enter upon said low lands with all necessary assistants, to make surveys and take levels, and to do all necessary acts and things preliminary to the constructions of said ditches. They shall also have power, when such ditches shall be located, to enter upon and take possession of the

Powers of commissioners.

thousand dollars, and when it has expended the sum of two hundred thousand dollars, it is authorized to issue bonds for the sum of one hundred thousand dollars.

Sec. 1 of act
relating to
plank roads
applied.

§ 7. Section one of an act entitled "An act in relation to plank roads and turnpike roads," passed March twenty-eighth, eighteen hundred and fifty-four, shall apply to the corporation hereby authorized, excepting such parts thereof as may be in conflict with the provisions of this act.

Size of rails

§ 8. The said corporation shall have the right to lay rails of such size and pattern, as shall be most suitable for the purposes of said corporation; and the road authorized to be constructed by this act shall be completed within three years from the passage of this act.

§ 9. This act shall take effect immediately.

Chap. 508.

AN ACT to define and limit the number of Notaries Public in the several counties in this State, and confer authority to take affidavits and acknowledgments.

Passed May 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Hereafter no more notaries public shall be appointed in any county in this State, except in the county of Kings, the city of Buffalo, and the city and county of New York, than one for every two thousand of population residing in said county, as shown by the census taken in this State next preceding any appointment hereafter to be made.

§ 2. Notaries public shall have all the powers now conferred upon them by law, and shall also have power to take affidavits and certify to the same, and to take and certify the acknowledgment and proof of deeds and other instruments in writing in all cases where justices of the peace or commissioners of deeds may now take and certify the same, and all acts of notaries public in making or taking such certificates of the acknowledgment or proof of deeds or other instruments in writing since the

passage of the act, chapter three hundred and sixty of the Laws of eighteen hundred and fifty-nine, are hereby confirmed and declared valid.

§ 3. This act shall take effect immediately.

Chap. 509.

AN ACT to release to Aaron Scofield the interest of the State in certain lands in the city of Brooklyn, conveyed to him by John A. Betts and wife.

Passed May 7, 1863; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The people of the State of New York do hereby release all their estate, right, title and interest in or to the lands, premises and real estate described in a certain deed bearing date June twenty-ninth, A. D. eighteen hundred and fifty-three, made and executed by John Munroe and Bridget Munroe his wife, to Valentine Hendrickson, and recorded in the office of the register of deeds in and for the county of Kings, in liber three hundred and thirty-one of conveyances, at page two hundred and eight, on the second day of August, A. D. eighteen hundred and fifty-three, unto Aaron Scofield, and to his heirs, grantees and assigns forever. The following is a description of said lands, premises and real estate, taken from said deed, to wit: 'All that certain lot, piece or parcel of land, situate, lying and being in the ninth ward of the city of Brooklyn, aforesaid, known and distinguished on a certain map entitled 'Map of land in the city of Brooklyn, formerly belonging to Cornelius Van Cleef, and by him conveyed to Anson Blake and Hunn C. Beach,' surveyed by Willard Day, city surveyor, Brooklyn, December first, eighteen hundred and forty-one, and filed in Kings county clerk's office, April first, eighteen hundred and forty-two, as and by the number fifty, which is bounded and described as follows: Commencing at a point on the southerly line of the land of the Brooklyn and Jamaica Railroad Company, which said point is three hundred and seventy-five feet easterly from the easterly side of Vanderbilt avenue, running thence east-

erly along the land of the said railroad company, twenty-five feet, to lot number fifty-two, on said map; thence southerly along said last mentioned lot, one hundred feet; thence westerly twenty-five feet to lot number forty-eight, on said map; thence northerly along said last mentioned lot one hundred feet, to the point or place of beginning; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining."

§ 2. This act shall take effect immediately.

Chap. 510.

AN ACT concerning the Brooklyn Central and Jamaica Railroad Company.

Passed May 7, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Route of
road may
be changed.

SECTION 1. The Brooklyn Central and Jamaica Railroad Company is hereby authorized and empowered to change the route or line of its road in such manner as said company may deem necessary, at or near its intersection with the easterly limits of the city of Brooklyn, so as to run across the lands now or lately belonging to one James L. Williams, upon acquiring the necessary permission or title to occupy the same; and for that purpose said company is hereby authorized to exchange any lands now owned by said company at or near said easterly limits of said city for so much of the lands now or lately belonging to said Williams above specified as may be necessary to make such change, upon such terms and conditions as may be agreed upon between said company and the owner or owners of said land.

Mortgage
lien charg-
ed to lands
acquired.

§ 2. Upon such change of route being made, any mortgage which shall be a lien upon that portion of the railroad of said company where said change is made, at the time of making the same, shall immediately become a lien upon the lands acquired by said company, and the track laid thereon, for the purposes of such change, with the like force and effect as if the same had been owned by said company at the time such mortgage or mortgages

were given, and had been specially mentioned therein ; and the lands and tracks conveyed in exchange for said lands and track now owned by said company shall thenceforth be released and discharged from the lien of said mortgages.

§ 3. Said company is hereby authorized and empowered to construct and operate a ferry across Jamaica bay to and from a point at or near Canarsie and transport freight and passengers thereon for compensation ; and for that purpose said company may procure and use one or more ferry boats, together with all necessary means and facilities for the proper operation thereof, and for receiving and discharging freight and passengers therefrom. If said company shall be unable to obtain the lands, means and facilities required for the purposes aforesaid, by gift or purchase, said company may acquire title to the same in the manner provided for acquiring title to lands for railroad purposes, in the act entitled " An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof ; and upon paying or depositing, as in said acts provided, the compensation or damages awarded to the owner or owners thereof, said company shall have the right to take, hold and use said lands, means and facilities, for the purposes in this section specified.

Ferry may
be con-
structed.

§ 4. Said company is also hereby authorized to lease the whole or any part of its road, with any of the equipments thereof, to such parties and on such terms and conditions, and for such period of time as its directors shall determine ; but the lessee or lessees thereof shall operate and use the same, subject to all the restrictions and obligations imposed upon said company by this act or any existing statute.

May lease
road.

§ 5. This act shall take effect immediately.

Chap. 511.

AN ACT to appropriate the income and revenue which may be received from the investment of the proceeds of the sale of the lands granted to this State by the act of Congress entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two.

Passed May 14, 1863; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The income and revenue which may be received from the investment of the proceeds of the sale of the lands, or any part of them, granted to this State by the act of Congress entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, shall be disposed of, as hereinafter directed.

Proceeds of
investment
to be paid
to trustees
of People's
College.

Provided.

§ 2. The said interest, income and avails of the said investment are hereby appropriated to, and shall from time to time, as the same shall be received, be paid over to the trustees of the People's College, located at Havana, in the county of Schuyler, for its use and behoof, in the mode and for the purposes in said act of Congress defined; provided, however, such payments shall not be made unless the said trustees shall show to the satisfaction of the regents of the university of this State, and so to be certified by them. within three years from the passage of this act. that the said trustees are prepared with at least ten competent professors to give instruction in such branches of learning as are related to agriculture and the mechanic arts, including military tactics, as required by the said act of Congress, and that they, the said trustees, own and are possessed of suitable college grounds and buildings, properly arranged and furnished, for the care and accommodation of at least two hundred and

fifty students, with a suitable library, philosophical and chemical apparatus, and cabinets of natural history, and also a suitable farm, for the practical teaching of agriculture, of at least two hundred acres, with suitable farm buildings, farming implements and stock ; and also suitable shops, tools, machinery, and other arrangements for teaching the mechanic arts, all of which property must be held by the said trustees absolutely, and be fully paid for ; and provided further, that the said college shall be subject to the visitation of the said regents ; and provided further that the said payment shall cease whenever, in the opinion of the said regents, the said college shall neglect to fulfill the conditions of this appropriation ; and that whenever the proceeds of the investment or investments aforesaid shall be in excess of the needs of said college, the regents of the university, who shall have power to determine the amount of such excess, shall notify the comptroller, and he shall thereafter withhold the same from said college ; and provided further, that the said People's College shall conform to the act of congress aforesaid in making an annual report, and transmitting copies thereof to the Secretary of the Interior at Washington and to other colleges.

Proviso.

Excess of investment.

Proviso.

§ 3. From and after the time the said trustees of the said college shall have become entitled to the benefits of this act as aforesaid, the said college grounds, farm, workshops, fixtures, machinery, apparatus, cabinets and library shall not be incumbered, aliened or otherwise disposed of by the said trustees ; and any attempt by the said trustees so to do, shall be utterly void, and of no effect. But such machinery, apparatus, cabinets and library, or any part thereof, may at any time be disposed of by the said trustees, on reasonable cause therefor being shown, to the satisfaction of the regents, and on such terms as the said regents may approve.

Property not to be incumbered or disposed of.

Exception.

§ 4. From the commencement of the year one thousand eight hundred and sixty-eight, or whenever in the opinion of the regents of the university, the income arising from the investments provided for in this act shall warrant the same, the People's College shall receive students from each county in this State, and shall give and furnish to them instruction in any or all the prescribed branches of study pursued in any department of said institution,

When college to receive students from each county of the state free of charge for tuition, &c.

STATE OF NEW YORK, }
IN SENATE, *February 3, 1863.* }

Ordered, that Messrs. Woodruff, Bailey and Robertson be such committee on the part of the Senate.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

CONCURRENT RESOLUTION relative to United States Allotment Commissioners.

Resolved (if the Assembly concur), That our Senators in Congress be instructed, and our Representatives requested to give all possible aid to Messrs. Theodore Roosevelt, William E. Dodge, Jr., and Theo. B. Bronson, United States Allotment Commissioners, in carrying out the Allotment system with the troops of this State.

STATE OF NEW YORK, }
IN SENATE, *February 19, 1863.* }

The foregoing resolution was duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *February 19, 1863.* }

The foregoing resolution was duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

CONCURRENT RESOLUTION relative to printing and distribution of the Annual Report of the Superintendent of Public Instruction.

Resolved (if the Senate concur), That one copy of the report of the Superintendent of Public Instruction, with the reports to him of the City Superintendents and School Commissioners be printed for the use of trustees of each school district, one copy for each of the school commissioners and city superintendents, two thousand copies for

the department of public instruction, and one thousand copies for the use of the members of this Legislature.

STATE OF NEW YORK, }
IN ASSEMBLY, *March 4, 1863.* }

The above resolution was duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

STATE OF NEW YORK, }
IN SENATE, *March 14, 1863.* }

The above resolution was duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

CONCURRENT RESOLUTION to pay the interest of the State debt in coin to foreign stockholders.

Resolved (if the Assembly concur), That the interest accruing on so much of the State debt on the first day of April, as was on the first day of March, eighteen hundred and sixty-three, held by persons residing out of the United States, and is still held by them, be paid in gold or its equivalent.

STATE OF NEW YORK, }
IN SENATE, *March 31, 1863.* }

The foregoing resolution was duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *April 1, 1863.* }

The foregoing resolution was duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

CONCURRENT RESOLUTION proposing an amendment to the Constitution.

Resolved (if the Assembly concur), That the following amendment be proposed to the Constitution of this State:

There shall be added to the sixth article of the Constitution of this State, as the twenty-sixth section thereof, the following:

Whenever, and as soon as this amendment to the Constitution shall take effect, the Governor shall nominate, and by and with the advice and consent of the Senate, appoint, five persons commissioners of appeals, who shall have power to hear and determine all appeals then depending in the Court of Appeals, which may be transferred to them by said court, and shall have all the general powers of a Court of Record for that purpose. The clerk of the Court of Appeals shall act as clerk of said commissioners, and the judgment rendered by the said commissioners shall be entered by the said clerk in the records of the Court of Appeals, and shall have the same force and effect as if rendered by the said court. One of said commissioners shall be named as chief commissioner, and the said commission shall continue, and the said commissioners hold their offices, until all the causes transferred to them shall have been heard and determined, but not longer than four years from the date of the original commission. The said commissioners shall receive the same compensation as the judges of the Court of Appeals. They may appoint the time and places of their sittings, and the Legislature shall provide for the expense thereof. But said sittings shall not be appointed for the same time as those fixed for the Court of Appeals; and the Reporter of the Court of Appeals shall be the Reporter of the said commissioners.

STATE OF NEW YORK, }
IN SENATE, *March 31, 1863.* }

The foregoing resolution was duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *April 6, 1863.* }

The foregoing resolution was duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

CONCURRENT RESOLUTIONS relative to the printing of the transactions of the State Agricultural Society.

Resolved (if the Senate concur), That one thousand copies of the transactions of the State Agricultural Society be printed for the society; twenty-five copies for each member, officer and reporter of the legislature; for county agricultural societies, as many copies as there are school districts, and parts of districts therein, to compensate collectors of agricultural statistics in said school districts, in pursuance of the act of eighteen hundred and sixty-two, for the collection of agricultural statistics; ten copies for each town agricultural society; fifteen copies for each union agricultural society; and fifty copies for the regents of the university; and that the said report be printed and bound in the same manner as last year and be distributed in accordance with the foregoing resolution without delay.

STATE OF NEW YORK, }
IN ASSEMBLY, *April 16, 1863.* }

The foregoing resolution was duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

STATE OF NEW YORK, }
IN SENATE, *April 22, 1863.* }

The foregoing resolution was duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

CONCURRENT RESOLUTIONS relative to the printing and binding of the Transactions of the American Institute for the year 1862.

Resolved (if the Senate concur), That there be printed and bound, as heretofore, of the transactions of the American Institute, for the year eighteen hundred and sixty-two, twenty-five copies for each member, officer and reporter of the legislature; seven hundred and fifty

copies for the said institute; twenty copies for each county agricultural society, in counties electing more than one member of assembly; as many copies as there are school districts, and parts of districts therein, to compensate collectors of agricultural statistics in said school districts, in pursuance of the act of eighteen hundred and sixty-two, for the collection of agricultural statistics; ten copies for each town agricultural society; and fifty copies for the regents of the university for exchanges.

STATE OF NEW YORK, }
IN ASSEMBLY, *April 16, 1863.* }

The foregoing resolution was duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

STATE OF NEW YORK, }
IN SENATE, *April 22, 1863.* }

The foregoing resolution was duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

CONCURRENT RESOLUTIONS requesting Members of Congress to vote for a law paying claims of militia of this State in the war of eighteen hundred and twelve.

Resolved (if the Assembly concur), That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the passage of a law to obtain from the United States the money required to pay the claims of the several persons, which have been audited and found due for contingent expenses of the militia of the State of New York in the late war with Great Britain in eighteen hundred and twelve, under the provisions of chapter five hundred and ninety-seven of the Laws of eighteen hundred and fifty-seven, and chapter one hundred and seventy six of the Laws of eighteen hundred and fifty-nine.

Resolved (if the Assembly concur), That the Governor be requested to transmit a copy of the foregoing resolution, and of the report accompanying the same, to each

of the Senators and Representatives in Congress from this State.

STATE OF NEW YORK, }
IN SENATE, April 22, 1863. }

The foregoing resolutions were duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, April 22, 1863. }

The foregoing resolutions were duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

CONCURRENT RESOLUTION in relation to quota of this State furnished for the military service of the United States.

Whereas, By the late act of Congress, providing for the enrollment of the national forces of the United States, the president is authorized to assign to each congressional district the number of men to be furnished by each district for the military service of the United States, and it being understood that preparations are now being made for assigning to the several districts of the loyal States their respective quotas of men, to be drafted into the service in pursuance of said act; and *whereas*, in obedience to the calls made by the President in the year eighteen hundred and sixty-two, for an aggregate of six hundred thousand men, the State of New York nearly filled her entire quotas under said calls by men enlisted for three years, whilst other States filled their respective quotas, in whole or in part, by men enlisted for only nine months and whose terms of service are now about expiring, therefore,

Resolved (if the Assembly concurs),

First. That the State of New York is justly entitled to credit for the large number of three years' men furnished under the calls of eighteen hundred and sixty-two, and that in assigning to the several States or the congressional districts composing the same, their respective quotas, to be drafted into the service under the late act

of Congress, the President ought to take the above facts into account and make the quota or quotas of the State of New York less than those of the States so furnishing men under the calls of eighteen hundred and sixty-two for only nine months.

Second. That the Governor of this State be requested to communicate with the President of the United States, or the war department, on the above subject, and to secure, if possible, a just credit to this State in the arrangement of the new quotas, on account of the large number of three years' men furnished under the calls of eighteen hundred and sixty-two as compared with other States, and also of men enlisted from this State in the navy.

STATE OF NEW YORK, }
IN SENATE, *April 9, 1863.* }

The foregoing resolution was duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *April 24, 1863.* }

The foregoing resolution was duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

CONCURRENT RESOLUTION empowering Inspectors of State Prisons to examine applications of contractors for relief.

Resolved (if the Assembly concur), That the present Board of Inspectors of State Prisons be and they are hereby empowered and directed to examine the application of the several contractors or manufacturers at the several State Prisons, for relief; and adjust or compromise any claim the State has against such contractors for convict labor performed previous to the first day of May, eighteen hundred and sixty-two, as shall in their unani-

mous judgment be advantageous to the interests of the State.

IN SENATE, *April 15, 1863.*

The foregoing resolution was duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

IN ASSEMBLY, *April 24, 1863.*

The foregoing resolution was duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

CONCURRENT RESOLUTIONS relating to deposits in Savings Banks.

Whereas, The large and rapidly increasing sums on deposit in the savings banks of this State render it an object of special importance that the safety of these investments should be properly secured and sacredly guarded; for the purpose, therefore, of the better insuring these objects and ascertaining with more direct certainty the manner and character of the investments made in pursuance of such trusts,

Resolved (if the Assembly concur), That in addition to the obligations imposed upon the superintendent of the banking department by section three, chapter one hundred and thirty-six of the Laws of eighteen hundred and fifty-seven, it shall be his duty to make or cause to be made such an examination as he shall deem proper, at their respective places of business, of the affairs of each savings bank or institution for savings within this State having a deposit of more than fifty thousand dollars; also what institutions of this nature, if any, are directly connected with banks of issue, and report the results of his action to the legislature at the commencement of its annual session in eighteen hundred and sixty-four, or as soon thereafter as possible, and for that purpose shall have full access to all the books, papers and securities of such institutions, during reasonable hours of the day, and shall possess all the authority for such examinations in relation to savings banks and savings institutions as is now conferred upon him in regard to banks of issue and

deposit; by chapter two hundred and forty-two of the Laws of eighteen hundred and fifty-four. The expenses of such examinations shall be audited by the superintendent, paid and assessed upon the several savings banks and institutions for savings, examined, in such manner as he shall deem just and reasonable, and collected in the same manner as is now provided by law for other expenses of these institutions.

IN SENATE, *April 20, 1863.*

The foregoing resolutions duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *April 24, 1863.* }

The foregoing resolutions were duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

RESOLUTIONS in relation to enlarging the locks on the Erie canal.

At a joint meeting of the canal committees of the Senate and Assembly, to take into consideration the increased and constantly increasing tonnage on our canals, held in the Senate Chamber, March twenty-fifth, eighteen hundred and sixty-three, and adjourned from time to time for consultation upon the subject, they have agreed upon the following resolution, which, if adopted and carried out, will inaugurate a policy that will continue to this State its share of western trade and tonnage; therefore,

Resolved (if the Assembly concur), That the State engineer and surveyor, under the advice and direction of the canal board, cause a survey and estimate to be made of the cost of constructing one tier of locks on the Erie canal, from Hudson river to Lake Erie, and one tier of locks on the Oswego canal, from Syracuse to Lake Ontario; and one tier of locks on the Champlain canal from Troy to Whitehall; and one tier of locks on the Cayuga and Seneca canals from Montezuma to Seneca Lake; the said locks to be constructed in a permanent manner of

stone, or of wood; or of wood and stone combined, and to be not less than twenty-six feet wide in the chamber, and not less than two hundred and twenty-five feet in length between the gates; the cost of each kind of lock to be estimated separately; to be located alongside of, or near to the present locks, and calculated for seven feet depth of water in the canal.

Also, to cause a survey and estimate of the quantity of excavation and other work connected therewith, necessary to maintain fifty-two feet width of bottom, and seven feet depth of water in the canals above named.

And also, if any new feeders or improvement to the present feeders will be necessary upon any portion of the canals, to bring these enlarged locks, when constructed, into use; if so, upon what portion of the canals, and the cost of the same; and to report separately on each of the above items to the next Legislature, on the first day of its session; and the said board shall appoint so many engineers and assistants, and fix their compensation, as they may deem necessary to carry out the purpose of this resolution; and

Whereas, The construction of said locks of the dimensions above specified will materially promote the interests of the United States, in providing for the common defense, augmenting the national commerce, foreign and domestic, and strengthening the bonds of the National Union; and whereas, the General Government may deem it desirable and important to secure, without delay, the right of perpetual passage through said canals with locks thus enlarged, free from tolls, for the vessels, gunboats, troops and munitions, military and naval, of the United States, and to render its fair equivalent to the State by contributing justly to the cost of the work; therefore,

Resolved, That the Governor be and hereby is empowered and requested to invite the President of the United States to select and detail a competent engineer in behalf and at the expense of the General Government, to consult with the engineers so to be appointed by the Canal Board, in respect to the surveys mentioned in the preceding resolution, and as to the mode of constructing the

work so as most effectually to promote the national interests.

STATE OF NEW YORK, }
IN SENATE, *April 20, 1863.* }

The foregoing resolutions were duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *April 24, 1863.* }

The foregoing resolutions were duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

CONCURRENT RESOLUTIONS proposing an amendment to the Constitution, providing that persons in the military service of the United States, in the army or navy thereof, may vote at the place where they may be in such service.

Resolved (if the Assembly concur), That the following amendment be proposed to the Constitution of this State:

Section one of article two is hereby amended by adding at the end thereof the following words:

Provided, that in time of war, no elector in the actual military service of the United States, in the army or navy thereof shall be deprived of his vote by reason of his absence from the State; and the Legislature shall have power to provide the manner in which, and the time and places at which such absent electors may vote, and for the canvass and returns of their votes in the election districts in which they respectively reside or otherwise.

Resolved (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of senators, and that the same be published for three months prior to such election,

pursuant to section one of article thirteen of the Constitution.

STATE OF NEW YORK, }
IN ASSEMBLY, *April 22, 1863.* }

The foregoing resolutions were duly passed.

By order of the Assembly.

J. B. CUSHMAN, *Clerk.*

STATE OF NEW YORK, }
IN SENATE, *April 24, 1863.* }

The foregoing resolutions were duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

NAMES CHANGED
UNDER AND IN PURSUANCE OF CHAPTER EIGHTY OF
THE LAWS OF 1860.

STATE OF NEW YORK,
 ERIE COUNTY CLERK'S OFFICE, }
Buffalo, April 4, 1863.

I, Charles R. Durkee, Clerk of the county of Erie, do hereby certify, that the following changes of names have been made by the county court of this county during the year 1862, viz.:

Original Name.	Name as Changed.
Hiram Tallmadge Ewers.	Hiram Ewers Tallmadge.
CHARLES R. DURKEE, <i>Clerk.</i>	

KINGS COUNTY, CLERK'S OFFICE, }
Dec. 31, 1862.

HON. HORATIO BALLARD, *Sec. of State.*

SIR: The following changes of names have been made by the county court of this county during the present year, viz.:

Park Presbyterian Church, of Brooklyn,	} TO {	Lafayette Avenue Presbyterian Church.
Minnie Cunningham to Minnie Cunningham Prescott.		
Very resp'y,		

J. N. STEARNS,
Clk., Kings Co.

OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS, }
 FOR THE CITY AND COUNTY OF NEW YORK,
New York, December 31, 1862.

Pursuant to chapter eighty of the Laws of the State of New York, passed March 17, 1860, I hereby report

that the names of the following persons have been changed by the Court of Common Pleas for the city and county of New York, during the year 1862, viz. :

1. John Henry Peters, to Henry Peters Cecil.
Order entered July 1st, 1862,
to take effect July 24, 1862.
2. Thomas Snook to Thomas Stanleigh.
Order entered Decr. 27th, 1862.
to take effect February 1st, 1863.

In attestation whereof I have hereto affixed the seal of the said court.

NATHL. JARVIS, JR., *Clerk.*

To HON. HORATIO BALLARD, *Secretary of State.*

Ulster
county.

In pursuance of chapter 80, Laws of 1860, I, Henry W. Tibbals, Clerk of the county of Ulster, do hereby report that the names of the following persons have been changed by an order of the county court of said county, during the period commencing Jan. 1, 1862, and ending at the date of this report :

Name before change.	Name as changed.	Order granted.
William H. Van Schaack.	William Van Schaack Beekman.	March 7, 1862.

Dated Kingston, Nov. 15, 1862.

(L. S.)

H. W. TIBBALS,
Clerk of the County of Ulster.

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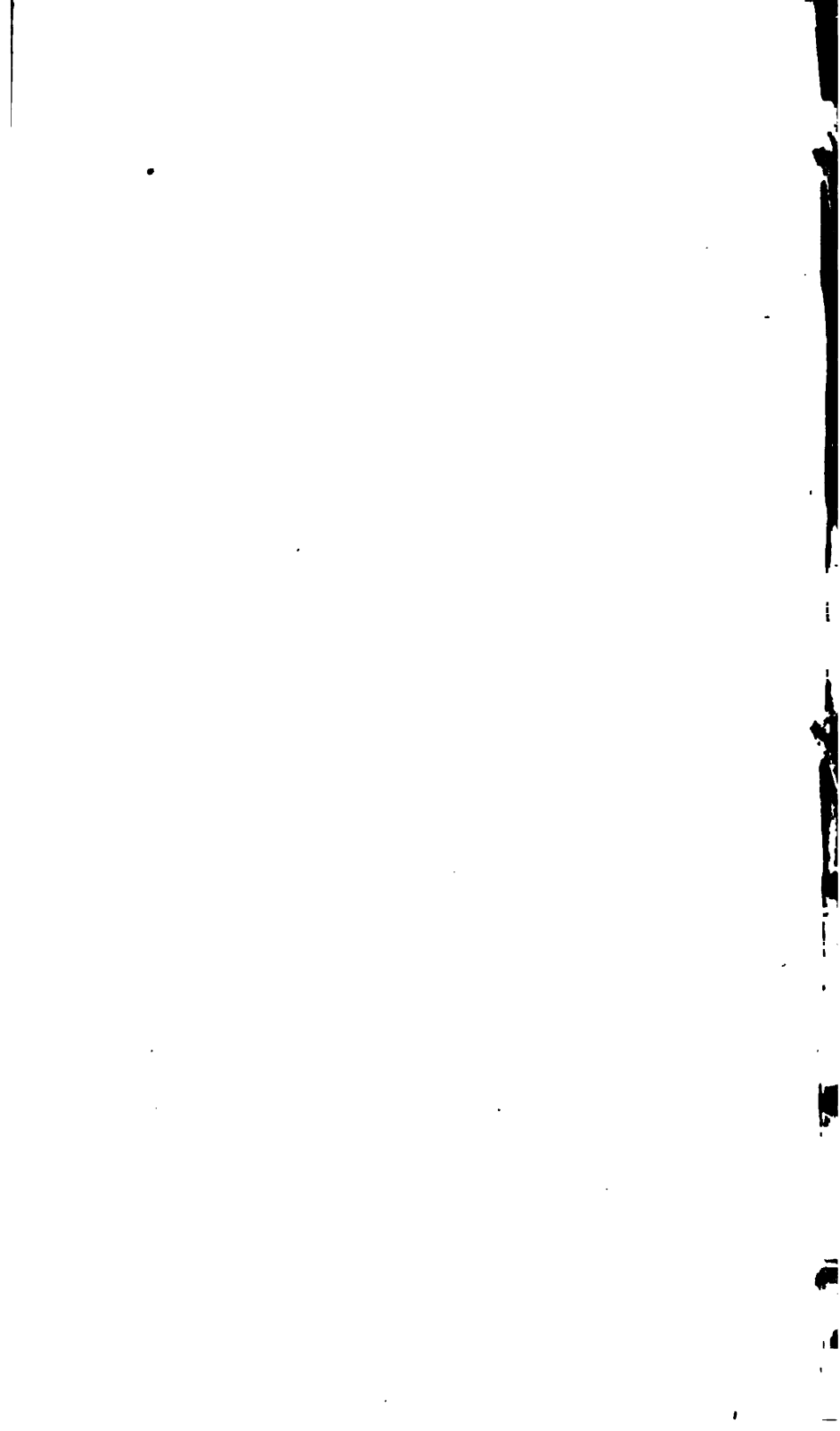
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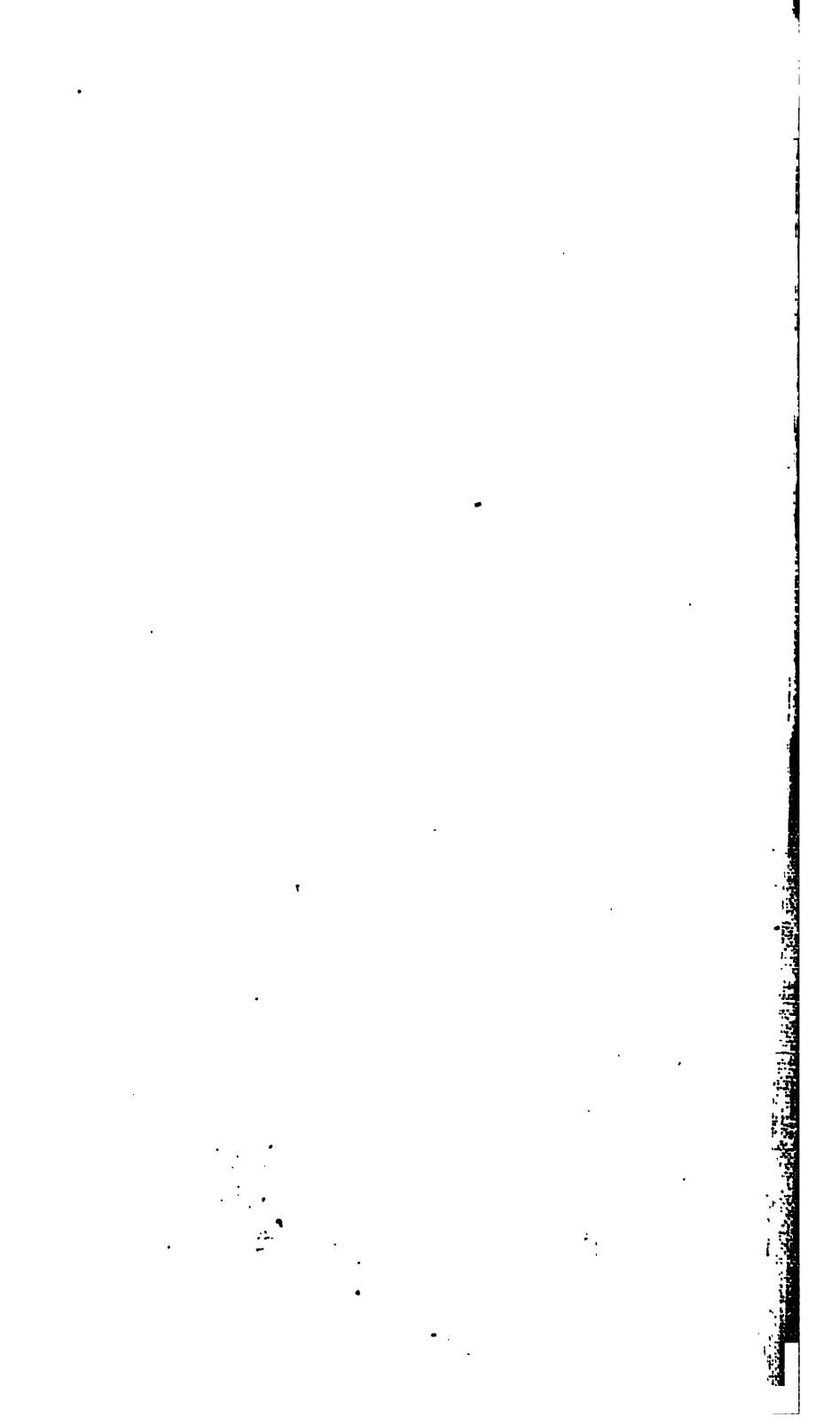
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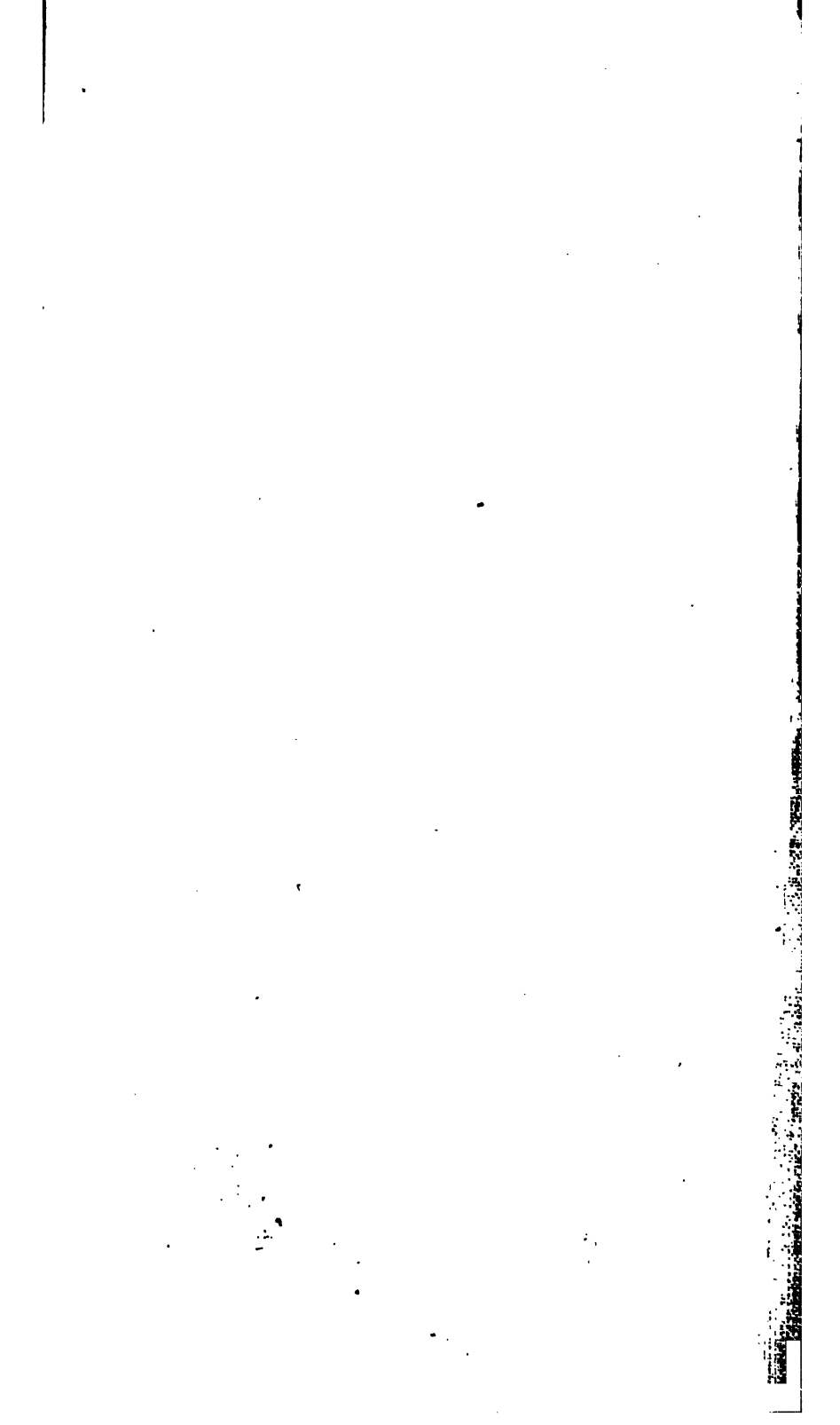




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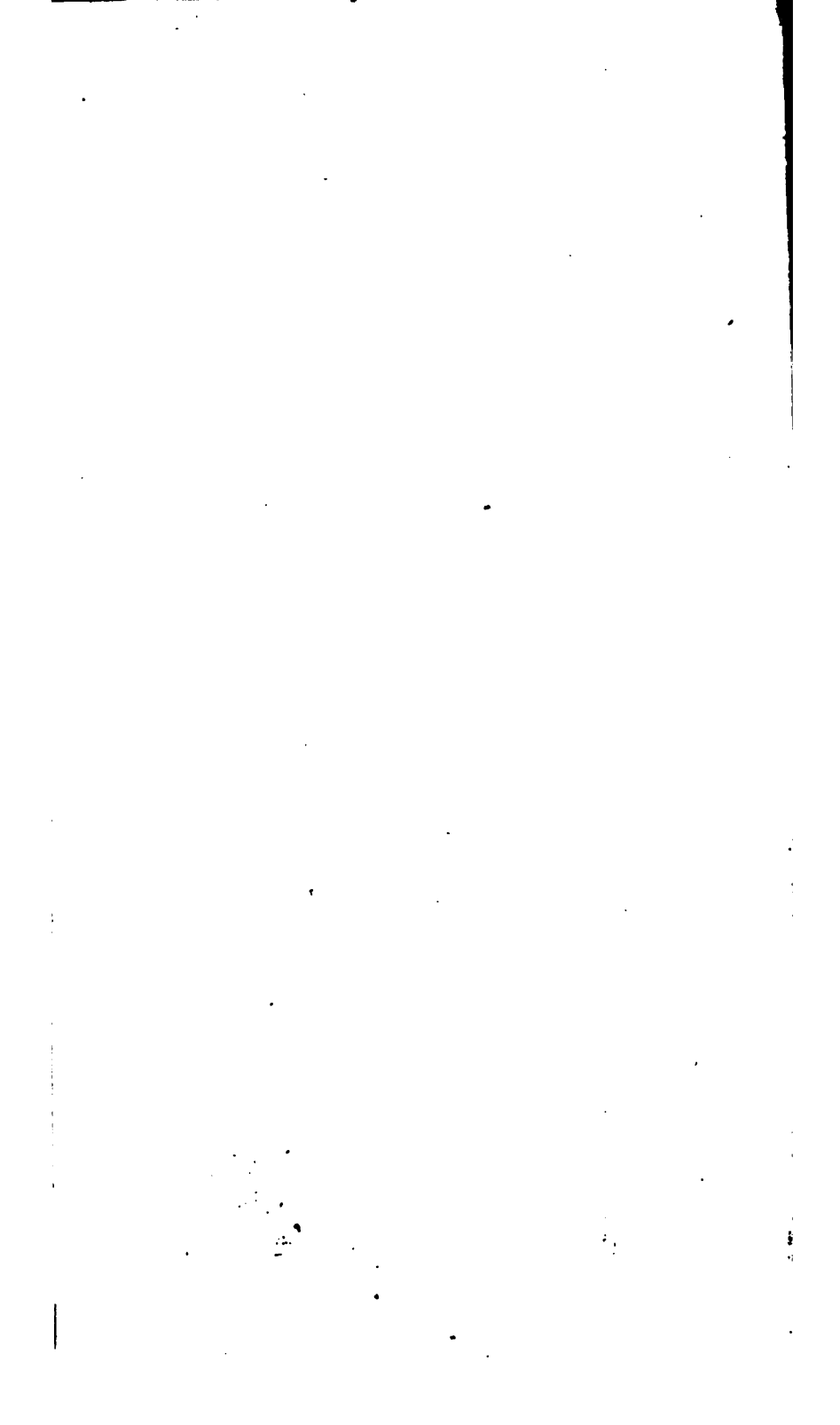
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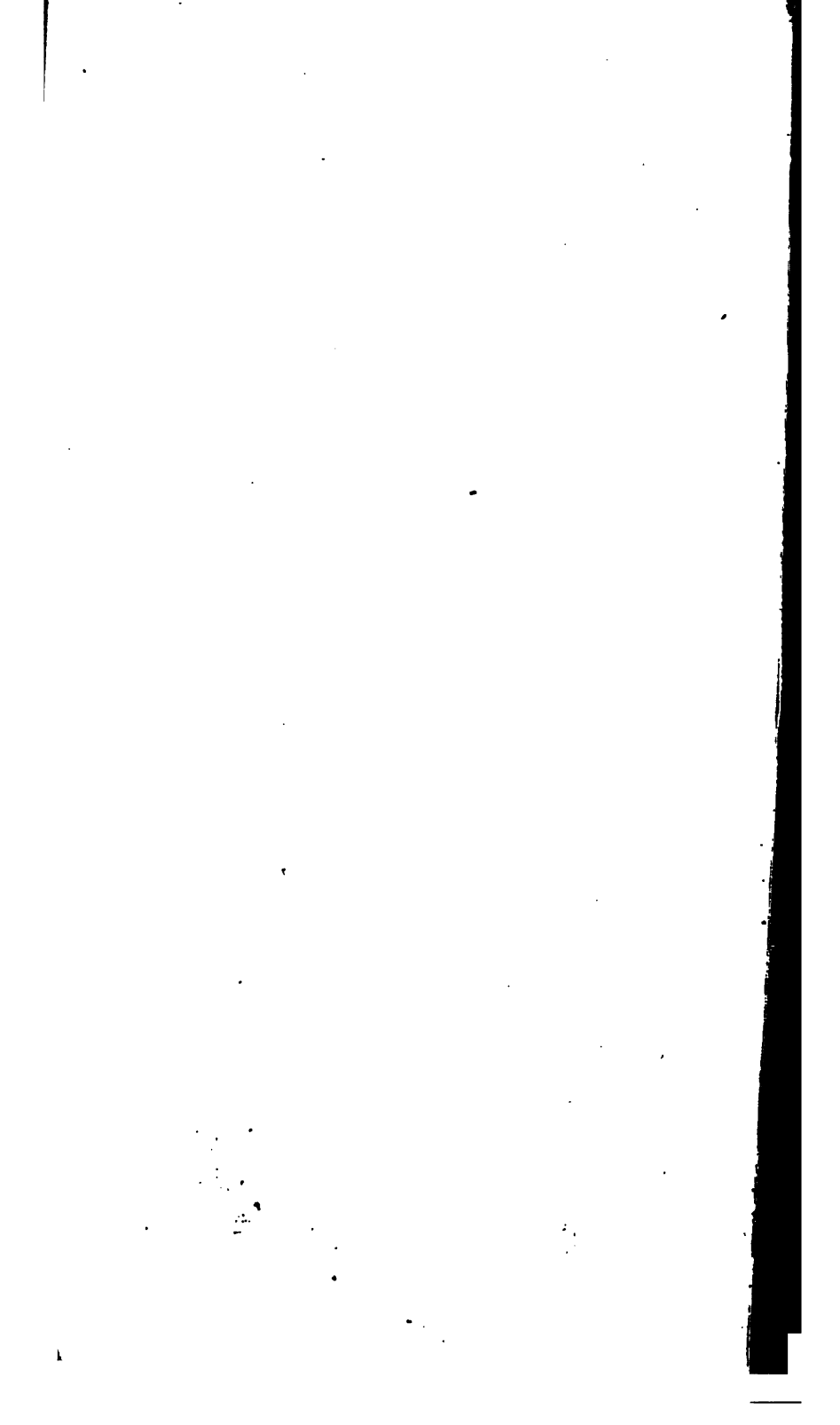
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